HOUSE OF REPRESENTATIVES—*Tuesday, June 15, 1993*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, gracious God, to appreciate the gift of trust, that kind of relationship that invites people to work together in respect, to live together in harmony, and to learn together in mutual appreciation. We recognize the risk of having trust in another and how that trust can be misplaced or put aside, yet we realize too that the fabric of our lives depends on a level of understanding and appreciation and confidence in one another. Open our hearts and our minds and eyes to other people in ways that allow us to work together for the welfare of the people we serve. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. UPTON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. UPTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 237, nays 151, not voting 45, as follows:

[Roll No. 220]

YEAS—237

Abercrombie	Blackwell	Coleman
Ackerman	Borski	Collins (IL)
Andrews (ME)	Boucher	Collins (MI)
Andrews (NJ)	Brewster	Combest
Andrews (TX)	Brooks	Condit
Applegate	Browder	Conyers
Archer	Brown (FL)	Cooper
Bacchus (FL)	Brown (OH)	Coppersmith
Barca	Bryant	Costello
Barcia	Byrne	Coyne
Barrett (WI)	Cantwell	Cramer
Bateman	Cardin	Danner
Becerra	Carr	Darden
Beilenson	Chapman	de la Garza
Berman	Clayton	Deal
Bevill	Clement	DeFazio
Bilbray	Clinger	DeLauro
Bishop	Clyburn	Dellums
Derrick	Lantos	Reed
Deutsch	LaRocco	Reynolds
Dicks	Laughlin	Richardson
Dingell	Lehman	Roemer
Dixon	Levin	Rose
Dooley	Long	Roth
Durbin	Lowey	Rowland
Edwards (CA)	Maloney	Roybal-Allard
Edwards (TX)	Mann	Sabo
English (AZ)	Manton	Sanders
English (OK)	Margolies-Mezvinsky	Sangmeister
Eshoo	Markey	Sarpalius
Evans	Martinez	Sawyer
Fields (LA)	Matsui	Schenk
Filner	Mazzoli	Schumer
Fish	McCloskey	Scott
Ford (MI)	McCrery	Serrano
Frank (MA)	McCurdy	Shepherd
Furse	McDermott	Sisisky
Gejdenson	McHale	Skaggs
Gephardt	McInnis	Skelton
Geren	McKinney	Slattery
Gibbons	McNulty	Slaughter
Gillmor	Meehan	Smith (IA)
Gilman	Meek	Smith (NJ)
Glickman	Menendez	Spence
Gonzalez	Miller (FL)	Stark
Green	Mineta	Stenholm
Gunderson	Minge	Stokes
Gutierrez	Mink	Strickland
Hall (OH)	Moakley	Studds
Hall (TX)	Mollohan	Swett
Hamburg	Moran	Swift
Hamilton	Murtha	Synar
Harman	Nadler	Tanner
Hayes	Natcher	Tauzin
Hinchey	Neal (MA)	Tejeda
Hoagland	Oberstar	Thornton
Holden	Obey	Thurman
Houghton	Olver	Torres
Hoyer	Ortiz	Torricelli
Hughes	Orton	Towns
Hutto	Owens	Traficant
Inglis	Oxley	Tucker
Inslee	Pallone	Unsoeld
Johnson (GA)	Parker	Valentine
Johnson (SD)	Pastor	Velazquez
Johnson, E. B.	Payne (NJ)	Vento
Johnston	Payne (VA)	Visclosky
Kanjorski	Pelosi	Volkmer
Kaptur	Penny	Waters
Kasich	Peterson (FL)	Watt
Kennedy	Peterson (MN)	Waxman
Kennelly	Pickett	Wheat
Kildee	Pickle	Williams
Klein	Pombo	Wilson
Klink	Pomeroy	Wise
Kopetski	Poshard	Wyden
Kreidler	Price (NC)	Wynn
LaFalce	Rahall	Yates
Lambert	Rangel	
Lancaster		

NAYS—151

Allard	Castle	Fingerhut
Armey	Clay	Fowler
Bachus (AL)	Coble	Franks (CT)
Baker (CA)	Collins (GA)	Franks (NJ)
Ballenger	Cox	Gallegly
Barrett (NE)	Crane	Gallo
Bartlett	Crapo	Gekas
Bentley	Cunningham	Gilchrest
Bereuter	DeLay	Gingrich
Billey	Diaz-Balart	Goodlatte
Blute	Dickey	Goodling
Boehlert	Doolittle	Goss
Boehner	Dornan	Grams
Bonilla	Dreier	Grandy
Burton	Duncan	Greenwood
Buyer	Dunn	Hancock
Callahan	Emerson	Hansen
Calvert	Ewing	Hastert
Camp	Fawell	Hefley
Canady	Fields (TX)	Herger
Hobson	McKeon	Schroeder
Hoekstra	McMillan	Sensenbrenner
Horn	Meyers	Shaw
Hunter	Mica	Shays
Hutchinson	Michel	Shuster
Hyde	Molinari	Skeen
Inhofe	Moorhead	Smith (MI)
Istook	Morella	Smith (OR)
Jacobs	Murphy	Smith (TX)
Johnson (CT)	Nussle	Snowe
Johnson, Sam	Packard	Stearns
Kim	Paxon	Stump
King	Petri	Sundquist
Kingston	Porter	Talent
Klug	Portman	Taylor (MS)
Knollenberg	Pryce (OH)	Taylor (NC)
Kolbe	Quillen	Thomas (CA)
Kyl	Quinn	Thomas (WY)
Lazio	Ramstad	Torkildsen
Leach	Ravenel	Upton
Levy	Regula	Vucanovich
Lewis (CA)	Ridge	Walker
Lewis (FL)	Roberts	Walsh
Lightfoot	Rogers	Weldon
Linder	Rohrabacher	Wolf
Livingston	Ros-Lehtinen	Young (AK)
Machtley	Roukema	Young (FL)
Manzullo	Royce	Zeliff
McCandless	Saxton	Zimmer
McCollum	Schaefer	
McDade	Schiff	

NOT VOTING—45

Baesler	Gordon	Miller (CA)
Baker (LA)	Hastings	Montgomery
Barlow	Hefner	Myers
Barton	Henry	Neal (NC)
Bilirakis	Hilliard	Rostenkowski
Bonior	Hochbrueckner	Rush
Brown (CA)	Hoke	Santorum
Bunning	Huffington	Sharp
Engel	Jefferson	Solomon
Everett	Kleczka	Spratt
Fazio	Lewis (GA)	Stupak
Flake	Lipinski	Thompson
Foglietta	Lloyd	Washington
Ford (TN)	McHugh	Whitten
Frost	Mfume	Woolsey

☐ 1126

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair recognizes the gentlewoman from Illinois [Mrs. COLLINS] to lead the House in the Pledge of Allegiance.

Mrs. COLLINS of Illinois led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will limit 1-minute speeches to 10 1-minute speeches on each side.

PRESIDENT CLINTON'S BUDGET

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, the economy has shown some encouraging signs thanks to the leadership of President Bill Clinton.

The bond market is steady and favorable interest rates have propelled mortgage rates to a 20-year low.

Middle-income people are buying new houses or refinancing their existing homes.

To keep the economy on track, President Clinton and the Congress need to approve a budget that substantially cuts the deficit and makes real cuts in Government spending.

Bill Clinton's plan achieves $500 billion in deficit reduction over 5 years. It also slices $246 billion in Government spending.

No other plan presented this year—has as much deficit reduction as the Clinton economic plan.

Mr. Speaker, the American people are fed up to their eyeballs with the finger wagging and the name calling spewing from this Chamber. They want solutions, not partisan slam dunks.

The American economy is the most vibrant in the world. Our lifestyle and our standard of living leads all industrialized nations. The Congress and the President must enact a real economic plan so our children and our grandchildren can assume their stances as world leaders.

I urge my colleagues in the other body to follow the House's example and to move forward on President Clinton's economic package. Let us get on with it.

VOTE DOWN STRIKER REPLACEMENT

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LINDER. Mr. Speaker, as the Democratic leadership tries to pass the Strike Enhancement Act today, they should keep this fact in mind: The American people don't want it.

In fact, in a poll conducted earlier this year the American people rejected the basic concept behind this striker replacement legislation, by a margin of 60 to 29 percent.

If the majority of Americans don't want this legislation, who does? The answer is union bosses and their allies here in the House.

This legislation will promote strikes, slow economic growth, hurt American competitiveness, and kill jobs. And still the majority leadership wants to enact this bill into law.

Mr. Speaker, we need to stop business as usual. We need to show the American people that the Congress is not owned lock, stock, and barrel by union bosses. We need to do what is right for the country.

We need to vote down striker replacement.

□ 1130

LET US NOT SUFFER THE FATE OF THE DINOSAURS

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, Jurassic Park is not the only place with dinosaurs in 1993. There are a few right here in the Congress and each of them is feeding on the President's budget proposal. Every time we try to address the giant issues of our time like health care, homelessness, and joblessness, the doleasauruses take a bite out of the budget package.

Each time we take one step toward deficit reduction, the flying doleasauruses swoop down and try to scare us back to the Reagan-Bush years of fiscally irresponsible budgets.

Mr. Speaker, these are not prehistoric times. Today, we need to work together with positive approaches to the enormous challenges of our time. I hope all of the doleasauruses in the other body realize that the American people will not be intimidated. They demand a responsible budget that addresses our modern-day conditions, resolves modern-day problems and reduces the current staggering deficit. Otherwise we all may suffer the fate of the dinosaurs. They became extinct.

STRIKE H.R. 5

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the effect of passing H.R. 5, the so-called Strikemaker Act, is obvious. American small businesses, the engine of the U.S. economy, would be held hostage to the mandates of large labor unions. Passage of this bill would grant big union bosses powers to paralyze small business and the American economy unseen since Jimmy Hoffa began pushing up daisies under the 50-yard line.

Under H.R. 5, unionized workers could strike at any time, for any reason, without the threat of being replaced. American small businesses would be absolutely powerless to resist such pressures.

During the Presidential campaign, candidate Clinton spoke of bringing American management and workers together to cooperate in creating economic growth. With the passage of H.R. 5, the President instead seeks to point a gun at the head of American small business, the driving force behind our economy. It's time for the President to stop playing Russian roulette with American jobs. American small businesses are tired of serving as target practice.

SUPPORT THE CESAR CHAVEZ WORKPLACE FAIRNESS ACT

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, I rise in strong support of H.R. 5, called the striker replacement bill, otherwise known endearingly as the Cesar Chavez Workplace Fairness Act.

Mr. Speaker, this legislation, quite frankly, is for the little guy in today's world, the blue-collar workers. No matter what political rhetoric is rendered on the other side of the aisle, the bottom line is that the permanent replacement of the striking employee is wrong, and it is time for this body to unequivocally say so.

If this legislation is not passed, we could have the same type of situation that we had with the air traffic controllers during the Reagan years, one that created strikers to be replaced by permanent replacement.

This bill is not about encouraging more strikes, Mr. Speaker, nor for that matter will it cripple American industry or our economy. Strikes are usually the last resort in labor disputes.

Second, our competitors such as Japan and Germany already guarantee jobs to their striking employees. Let us not lose any more ground to our competitors. Let us not continue to hang the proverbial sword of Damocles over the heads of those workers who want to exercise their right to strike.

Let us pass this bill and make the later Cesar Chavez proud.

H.R. 5: LET NATURE TAKE ITS COURSE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker and my colleagues, let us call striker replacement legislation what it really is: the Jurassic Park for big labor unions. Lumbering giants that are on the verge of extinction are now being given their own special protection by their friends on Capitol Hill and by big government.

Why do I say that? For the first time in the history of our country, we are going to create two classes of employees, those who belong to the union with their own special rights and privileges, and the other 89 percent of the American workers that do not have those same privileges. This is welfare for big labor unions with declining membership. They are looking for special-interest legislation that will help, in

fact, give them a Government-sponsored and Government-assisted membership drive. We should not do this.

Let us do and allow to happen what happened to the big dinosaurs back many millions of years ago: Let nature take its course.

INTRODUCTION OF THE FEDERAL EMPLOYEE ANTISTALKING ACT OF 1993

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, I watched with great horror the senseless murders of innocent post office employees in Dearborn, MI, and Dana Point, CA, last month. These malicious attacks on Federal Government employees solely because of the job they perform are not isolated events but the unfortunate continuation of a trend that has been developing for several years. In communities nationwide, innocent Government employees have been needlessly massacred, and even more have been continuously harassed and threatened because of their jobs. This must stop now.

I believe this senseless violence is controllable. As a result, I have introduced H.R. 2370, the Federal Employee Antistalking Act, legislation that will make the stalking of Federal Government employees in the executive and legislative branches of Government, including the U.S. Postal Service, a Federal criminal offense. To date, Members in both bodies have sponsored antistalking legislation, but none of these measures have been directed at Federal Government employees who are prime targets for, and victims of, stalking attacks.

I believe this commonsense legislation is long overdue and I, therefore, urge my colleagues to join with me and ensure the safety of those people that make our Government work every day of every year.

OPPOSE THE STRIKEMAKER BILL

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I urge my colleagues to oppose the strikemaker bill when it is considered today.

The current negotiation process is balanced. It is fair to both labor and management, and it works. Currently, labor's negotiation tool is a threat of a strike, and management's tool is a threat of replacement.

Under the current system, strikes are rare, and actual replacement of strikers is even more rare.

H.R. 5 would tip the scale and give labor the upper hand in negotiations, because there would be no recourse to crippling strikes. This bill will encourage more strikes, which will encourage more companies to look overseas for new plant locations where there is a friendly labor environment.

All of this will lead to a worsening economy, put families out of work, and more unemployment.

Labor and management need to work together. This legislation will put them at odds.

Vote against more strikes by voting against H.R. 5.

H.R. 5 IS ABOUT EQUITY IN THE WORKPLACE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the vote today on striker replacement is about equity in the workplace, equal protection for all workers, to restore balance between management and labor, and to make sure that our workers are treated the same as our two main competitors, Japan and Germany.

Mr. Speaker, there is another reason this bill is a good bill. The bill will give a needed boost to our unions, and unions have been good for this country.

Mr. Speaker, it is insulting to say that this bill is going to encourage workers to strike. Our workers want to work. They want to produce. They want equity and safety, and they want equal pay.

THE STRIKE PROMOTION BILL

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, as we consider the strike promotion bill that is due on the floor today, we should ask ourselves one basic question: Does this Nation really need more strikes to get out of the recession?

As our businesses try to compete in the world market, the last thing they need is the lower productivity and diminished quality that go hand in hand with labor strikes.

Frankly, our Nation's economy can't afford the strike promotion bill of 1993.

Mr. Clinton, in his campaign for President, was constantly reminded that the most important issue in front of the American people was the economy, and often these days many on the other side of the aisle have complained that there are not enough jobs being produced.

Well, if this strike promotion bill is passed, the only new jobs created will go to labor lawyers. Is that what this country really needs?

I do not think so, Mr. Speaker. Let us kill the strike promotion bill before it kills our Nation's economic growth.

□ 1140

PUSHBUTTON STRIKE

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, for over 50 years when employers and those employees who belong to unions have negotiated employment agreements, we have had a balanced bargaining system giving rights to both sides.

Now, however, one side, big labor, and their allies are trying to ram through a push-button strike bill which, if passed, will threaten the rights of just about every worker in every community across my Sixth District of Virginia and across our entire Nation.

H.R. 5 will give union bosses the power to call virtually any strike they want and win any strike they call by forbidding employers from hiring permanent replacement workers.

This is unfair to small business owners and workers who will be faced with going out of business and losing jobs when they cannot operate during a strike.

This is unfair to 90 percent of the workers in my district who do not belong to unions and will not be allowed to fairly compete for jobs.

This is unfair to all Americans because it is unbridled power that will bring our economy to a grinding halt. Let us not allow the breakdown of the good labor-management relations that exist in this country today.

TOUGH CHOICES ON THE NASA AUTHORIZATION

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker and colleagues, you know, the American people are really ahead of the Congress on the issue of deficit reduction. We simply have to achieve more deficit reduction, particularly more cuts, if we are going to get the economy back on track and provide more jobs.

I think we have to make some tough choices on the NASA authorization.

I applaud the Committee on Science, Space, and Technology for deciding to terminate the advanced solid rocket motor program, but unfortunately I think they missed the big one, and that is the space station. NASA has proposed a diverse menu of recently designed alternatives: Option A, the so-called austere option; option B, the baseline; option C, the can.

Unfortunately, I think our only option is to postpone it, postpone it 10 or 15 years until we can afford it, because we cannot get the economy back on the right track until we reduce the deficit, ladies and gentleman, and we have to get about doing that.

DON'T UPSET THE BALANCE

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, we all know that if too much weight is placed on one side of the scale, it upsets the equilibrium. H.R. 5 would upset the delicate scale, in worker-management relations.

This bill, properly termed the "strike bill," will encourage union workers to strike. Because union strikers would be guaranteed their job back, when they decided to return to work, more strikes will occur.

H.R. 5 supporters deny this claim, but we can look to our neighbors in Canada for the facts.

When the prohibition of the permanent replacement workers was enacted in 1984, 7,546 strikes occurred in the 3 years that followed. That averages 48 strikes every week.

According to the Journal of Labor Economics, the single most important factor in this increase was the permanent replacement prohibition legislation, like H.R. 5.

I urge the body to consider this question: Does America really want a policy of "strike first, negotiate later. I don't believe Americans do?"

Mr. Speaker, I urge my colleagues to vote against H.R. 5.

ADDITIONAL RESEARCH ON LUPUS

(Mrs. MEEK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK. Mr. Speaker, I am pleased today to introduce a bill providing for additional research efforts to treat and eventually cure lupus.

This is an autoimmune disease that afflicts women nine times more than men, and it affects African-American women three times more often than white women. If it is not treated at the early stages, its consequences can be severe and even fatal. Like many African-American women, I have had close relatives and friends with this disease. One of my sisters died of lupus.

An important component of my bill deals with educational efforts. Because lupus mimics so many other diseases, it is hard to diagnose, and many potential lupus victims may not have an awareness of this disease. Education is necessary for medical personnel as well as for high-risk populations, and I hope we can build on programs already initiated by the National Institute of Arthritis and Musculoskeletal and Skin Diseases.

NIH has begun some new research efforts that show great promise, but the National Institutes of Health needs to do more. Much more work needs to be done. I am hopeful that through my legislation, research on this debilitating disease can get the attention and resources necessary to find a cure.

Mr. Speaker, I urge my colleagues to support my bill and join me in the fight against lupus.

STRIKER REPLACEMENT LEGISLATION IS ANTICOMPETITION

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, it appears today we are going to vote on striker replacement legislation, H.R. 5, a bill that would allow workers to strike a workplace and the employer would have to guarantee that job after the contract negotiations. The issue here is jobs and competitiveness.

Mr. Speaker, as we prepare to take up H.R. 5, we should face the fact this bill will badly damage American competitiveness, costing countless Americans their right to work and the opportunity for a better future.

Passing this legislation will destroy the existing balance of power in negotiations that encourages management and labor to bargain hard, but bargain fairly. With labor law tilted overwhelmingly in favor of strikers, work stoppages will become more common and the American economy will be the loser. As we are fighting to keep manufacturing jobs in this country in spite of high taxes and over-regulation, this bill sends the ultimate message to employers—life will be simpler if you do business somewhere else. And that somewhere could be Mexico under the NAFTA agreement.

If this bill becomes law, fewer companies will be able to compete in the world marketplace, more jobs will move overseas and our children will have less opportunity in their future.

Vote to keep America competitive. Vote no on H.R. 5.

U.N. POPULATION FUND

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, the United Nations Population Fund is the largest multilateral distributor of contraceptives and family planning services. These programs include education on maternal and child health care, birth control, and the distribution of contraceptives. They do not promote or assist in coercive practices anywhere in the world.

Through the Fund the United States is able to serve approximately 140 nations, 80 which would not otherwise receive U.S. aid. Today, 500 million women worldwide want and need family planning but lack either the information or means to obtain it. Nearly 1,500 women die every day because of complications from pregnancy and abortion. Over the last two decades the number of rural women living in absolute poverty rose by about 50 percent, from an estimated 370 million to 565 million. These statistics indicate a genuine growing need for family planning and health services.

The resumption of funding for the population fund under the provisions outlined in the foreign aid authorization bill prohibits the use of any amount of the money for China, while insuring that millions of women around the world receive the family planning and health services they need. The resumption of funding for the United Nations Population Fund means healthier lives for the women who need it most.

THE ADMINISTRATION'S FAILED POLICY ON HAITI

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, 4 days after the November election I sent a telegram to President-elect Bill Clinton. I pleaded with him then that Haitians would suffer, die and become wards of the state if he did not heed our warnings. This week America is witnessing, and Florida is receiving, the tragedy of that failed policy. AIDS-infected Haitians will not return to a democratic and economically stable nation.

While this administration can make rapid fire decisions to machine gun anarchists in distant Somalia, that same administration cannot help change the fate of a small island nation in our own hemisphere.

Last week Bill Clinton signed a law that banned HIV-infected aliens; this week Bill Clinton ignored that law. Unfortunately for Americans, Floridians, and Haitians, we have seen the manner in which this administration deals with its failed policies.

□ 1150

IRS AND FOREIGN FIRMS IN AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, foreign companies in America understated their incomes in 1992 by more than $1 billion. Out of 3,300 foreign firms, more than half were cheating, ripping us off.

No. 1 on the list, Japan, $508 million.

No. 2, England, $460 million.

No. 3, Canada, $134 million.

No. 4, Germany, $124 million,

On and on and on, but let one hard-working American company make an honest mistake and the IRS gets in their face.

I say maybe if the IRS cracked down on these foreign ripoff artists, Congress would not have to raise taxes as high on the American people.

Mr. Speaker, it is time for the IRS to do its job. Do not just hassle American companies. Start looking at these ripoffs from overseas.

GIVE SUMMARY EXCLUSION POWERS TO U.S. IMMIGRATION OFFICERS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, last week this Member addressed the House about the *Golden Venture*, the freighter laden with illegal aliens that ran aground in the district of our colleague, the gentleman from New York [Mr. SCHUMER]. Since that time two more ships with yet another 300 illegals from China were intercepted in San Francisco. And these are not isolated incidents. Indeed, the Immigration and Naturalization Service [INS] will tell you that, at any given time, they are tracking some 20 ships known or suspected to be smuggling illegals into the United States. And these are just the ships they know about!

The burden imposed on American taxpayers by the massive numbers of illegal immigrants is mind-boggling. In New York City alone, there is a backlog of 62,000 individuals facing deportation proceedings. Guess how many can be found for deportation? These are just the individuals that have been caught and are requesting political asylum. And, because they have uttered the magic words "political asylum," they are currently entitled to an immediate green card, various welfare benefits, and full judicial review.

Under the present system, individuals know that our immigration laws can be manipulated. They know that, no matter how flimsy a claim of political asylum may be, they stand a great chance of remaining in the United States. What is desperately needed is the ability to prevent patently fraudulent claimants from clogging the asylum review process. The Immigration and Naturalization Service is begging for summary exclusion powers.

Mr. Speaker, there is no realistic alternative to granting the INS summary exclusion authority. Some Members, like our distinguished colleague, the gentleman from New York [Mr. SCHUMER] have argued that preinspection stations at the leading international airports could screen out the illegal immigrants. For a variety of reasons, that approach simply will not work, as demonstrated by the INS experiment in London's Heathrow Airport.

The organized gangs that control the flow of illegal immigrants will simply switch and use airports that do not have a preinspection station. Moreover, preinspection won't do anything to stem the tens of thousands who are coming by ship. Indeed, the State Department recently testified to the Foreign Affairs Committee that preinspection stations just won't work. Preinspection stations are not an alternative to summary exclusion.

Legislation has been introduced that would provide the much-needed summary exclusion power. The Exclusion and Asylum Reform Act (H.R. 1355), introduced by the gentleman from Florida [Mr. MCCOLLUM], would provide this summary exclusion authority for political asylum claims that are clearly fraudulent. Indeed, the gentleman from Florida has been pressing for these reforms for over a decade. Unfortunately, the Judiciary Committee has not seen fit to act on this vital legislation.

Mr. Speaker, the crisis in our immigration policy is not going to go away. This body must act to grant summary exclusion authority to our INS officers, and we must act now.

THE INTERNATIONAL RELATIONS ACT OF 1993

(Ms. E.B. JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. E.B. JOHNSON of Texas. Mr. Speaker, I rise today to voice my concerns about H.R. 2333, the International Relations Act of 1993.

Mr. Speaker, we have before this body today a $9.7 billion authorization bill which contains $900 million for the former Soviet Union bringing the total authorization of United States assistance in fiscal year 1994 to $2.5 billion. In contrast, this same bill contains only $900 million in development assistance for the entire continent of Africa.

I have heard the arguments of experts who point to this Nation's "strategic interests" as the rationale for what I view is a gross inequity. However, in my mind, in this 21st century world in which we live, our toughest fights will be fought on the economic battlefield not with cold-war tactics and mentalities.

It seems to me that our new "strategic interests" should be based on forging new markets and elevating other economies to a level where American goods can be sold at a price where we do not have to produce them overseas.

Africa has been neglected for too long in this Nation's foreign policy. Worldwide, the United States is responsible for less than 10 percent of official development aid to Africa. As one who traces her roots back to that continent, I cannot sit idly by and support a package that sends $9.7 billion overseas to a former superpower while an entire continent must divide up less than 10 percent of our development assistance. How can I explain to my constituents why I support spending priorities which perpetuate neglect?

We need to focus seriously on the question of Africa in our foreign policy and develop new and creative strategies to foster sustainable and mutually beneficial economic development. We must reevaluate our priorities so as to produce a balanced humanitarian and economic rationale that yields an equitable distribution of foreign assistance.

HIV HAITIANS II

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, per the orders of a Federal judge from New York, the first Haitians afflicted with the HIV virus arrived in the United States yesterday. More are expected in the coming days, raising health and financing concerns from the States affected and the American people.

But the response from the White House has been official silence. Published reports say the administration will not appeal the judge's decision, opening a pandora's box of immigration policy by judicial decree.

If this is true, then at least the White House needs to fully and forthrightly provide information on how they will react in this and similar cases. Who will care for these individuals? Who will pay their medical bills, feeding, housing, and so forth?

The taxpayers and social services of States like Florida, New York, California, and Texas already suffer under the strain of thousands of unaccounted-for refugees and the lack of Federal support. We cannot afford silence this time. We need answers, and we need them now.

CHINESE IMMIGRANTS

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to discuss an issue of great human concern. I am referring to the plight of the nearly 400 immigrants of the ship *Golden Venture*, whose ill-fated voyage has brought the suffering of these individuals to the attention of the American people.

It is a case that alerts us to the victimization that so many people coming to this country are subjected to, as they are charged exorbitant passage fees by smugglers who then force them to work in what could only be described as slave-like conditions. But lest we contribute to their double victimization, we must strive to ensure the lawful and humane treatment of all people coming to our Nation. This

means that we should expedite the processing of asylum cases, we should assure their access to legal representation as mandated by international law, and we should minimize their time of detention and facilitate their reunion with family members.

Ours is a nation that holds great promises for people around the globe, people who are willing to risk their lives to flee persecution and arrive at our shores—It is, therefore, that we must be extremely careful to learn the correct lessons from the case of the *Golden Venture*.

HIV-INFECTED HAITIANS

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, yesterday 27 Haitians arrived in the United States, all of them carriers of the deadly HIV virus. These were the first of 140 such people, to be admitted over the next 10 days in direct contravention of Federal law.

What kind of irresponsible and insane policy is it to permit carriers of a deadly communicable disease into our country? Yet this is the policy of the Clinton administration, a decision undoubtedly made at the White House.

Yes, we will be told that there is a court order to move these infected people out of Guantanamo. But the Clinton administration consciously chose not to seek a stay of that decision, either from the judge that issued it, or from a higher court.

It is the No. 1 responsibility of any elected official, especially the President, to protect the lives and freedom of the people of the United States. Letting Haitians or anyone else into our country carrying a deadly disease is an outrage, a crime against our citizens. Hopefully, the only price our people will pay is the enormous medical bills of these infected immigrants. They should have been sent home.

CESAR CHAVEZ WORKPLACE FAIRNESS ACT

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 195 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 195

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5) to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and to the amendments made in order by this resolution and shall not exceed two hours, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. The amendments recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted in the House and in the Committee of the Whole. No further amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. Points of order against the amendment printed in the report to be offered by Representative Ridge of Pennsylvania for failure to comply with clause 7 of rule XVI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1200

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from LaVerne, CA, Mr. DREIER, and, pending that, I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 195 provides for the consideration of H.R. 5, legislation to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

Mr. Speaker, the rule provides a total of 2 hours of general debate time. One hour is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

Thirty minutes will be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce with the remaining one-half equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation.

The amendments reported by the Committee on Education and Labor now printed in the bill shall be considered as adopted in the House and in the Committee of the Whole. The bill will be considered as having been read.

Only two amendments are made in order under the rule. Both are printed in the report accompanying the rule. Each amendments shall be considered as having been read and shall be considered in the order and manner specified in the report. The amendments are not subject to amendment.

The first amendment is to be offered by Mr. EDWARDS of Texas or his designee and is debatable for 30 minutes to be equally divided and controlled by the proponent and an opponent. The second amendment is an amendment in the nature of a substitute to be offered by Mr. RIDGE of Pennsylvania or his designee and is debatable for 30 minutes to be equally divided and controlled by the proponent and an opponent.

The rule waives clause 7 of rule XVI against the Ridge amendment. This waiver is necessary for nongermane provisions contained in the Ridge amendment. No other amendments are in order.

The previous question shall be considered as ordered on the bill. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, I strongly support this rule and H.R. 5 as well. I supported and voted for this legislation in the previous Congress, and I continue to believe that this measure is critical if we are to restore the necessary balance between labor and management at the bargaining table. Prompt passage of this rule will allow us to begin to debate responsibly this critical issue of survival for the collective bargaining process for America's labor force.

Under the law, workers may not be fired for engaging in a strike. Section 13 of the National Labor Relations Act guarantees them that right.

However, they may be permanently replaced in those jobs if their employers choose to hire permanent replacement workers. The bottom line is that, whether or not an individual can be fired doesn't really matter. In the end, he or she still loses the job. And, whether or not it's through firing or replacement, it's still the loss of a job because of a strike.

This obscure and certainly unfair policy resulted from a 1938 Supreme Court ruling known as Mackay Radio. The Mackay Radio ruling allowed that during an economic strike, employers may permanently replace striking workers with newly hired employees.

In the first 40 years following this ruling, there were few instances of employers actually hiring permanent replacements. However, the last decade has seen a dangerous trend evolve as a distressing number of employers have deliberately hired permanent replacements to avoid addressing the valid concerns and complaints of their em-

ployees. Even more common is the threat of replacement that is subtly implied to workers who may be contemplating a strike.

Beginning with the replacement of the PATCO workers in 1981 and leading up to more recent examples of Greyhound and Eastern Airlines, the practice of permanently replacing striking employees has also turned into a tool for those businesses more interested in "union busting" than in negotiating in good faith. Such actions effectively prevent union members from exercising their right to strike under National Labor Relations Act as well as the Railway Labor Act.

How can employees enter into collective bargaining when their employers know that by simply hiring replacement workers, they preclude any leverage those same workers may have at the bargaining table?

This legislation is critically important to American workers who in the past decade in particular have seen their hard-earned wages and benefits eroded by employers who are more concerned about mergers, leveraged buyouts, and short-term profits than in achieving and maintaining a long-term economic growth through a productive, experienced, and reliable work force.

It is time for employers to realize the value of American workers in our global economy. H.R. 5 would overturn the Mackay and other subsequent rulings that unfairly undermine the rights of employees in favor of business concerns.

Passage of this bill would help put employers and employees on a level playing field. It is to the advantage of both business and labor if workers can go to the bargaining table and engage in debate free from fear of arbitrary job loss.

Virtually identical legislation was passed by the House in the 102d Congress by a substantial margin of 247 to 182. I hope Members will join with me in supporting the rule and in supporting H.R. 5

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, for purposes of debate only, I defer to the gentleman from La Verne, CA, Mr. DREIER.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the best chairman in the Congress, the gentleman from Massachusetts [Mr. MOAKLEY] for yielding this time to me, and at the outset I would like to note for the record that my hometown is San Dimas, CA. I recently moved.

Mr. Speaker, I note with a bit of irony that the title of H.R. 5 is the "Cesar Chavez Workplace Fairness Act." I can't imagine that Cesar Chavez, a man who devoted his whole life to fighting injustices against American workers, would want his name associated with a bill that ignores fairness in the workplace.

How can the American people take seriously the Democrat leadership's call for workplace fairness in the private sector when the rules designed to protect all Members of this body, Republicans and Democrats, are repeatedly abused.

Out of 19 bills that passed through the Rules Committee this year, 14 of them, or 74 percent, have been considered under a rule gagging debate on important amendments. This rule, for example, permits just two amendments, while we know of at least four others that would be offered if we were permitted to have an open debate.

Mr. Speaker, there is no reason for such a restrictive rule. Under an open rule, this bill would not take more than a few hours to complete. Seven amendments were submitted to the Rules Committee last Friday and, at a minimum, those amendments should be debated by the full House.

Even the distinguished chairman of the Education and Labor Committee, WILLIAM FORD, who characterized these amendments as "window dressing" and "feel good amendments," did not object in the Rules Committee to making all seven amendments in order.

I would say to the distinguished chairman, however, that I do not agree with those characterizations. The amendment by the gentleman from Tennessee [Mr. DUNCAN], which was defeated on a party-line vote of 5 to 4 in the Rules Committee, would exempt small firms having 250 or less employees from the provisions of this act. The outcome of that amendment was decided by just 9 Members of this 435-Member body.

Likewise, the amendment by the gentleman from Pennsylvania [Mr. WELDON], to allow higher salaries for temporary replacements, will not be debated because just five Democrats in the Rules Committee said so. Even the amendment by our Democrat colleague from Louisiana [Mr. HAYES] was gagged, proving that this treatment is aimed not just at the minority, but at anyone who has a difference of opinion with the Democrat leadership.

The following is a list of rollcall votes in the Rules Committee on amendments to the rule for H.R. 5:

1. Open rule—Provides two hours of general debate: Ed and Labor (1-hr.), Energy and Commerce (30-mins.), Public Works and Transportation (30-mins.). Rejected: 4–5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Bonior, and Hall.

2. Weldon—A substitute amendment allowing employers to pay higher salaries to temporary replacements, requiring proof of business necessity to justify hiring replacements, and allowing employers to seek declaratory statement of business necessity from NLRB. Rejected: 4–5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Bonior, and Hall.

3. Duncan—Excludes from coverage businesses having 250 or fewer employees 30 days prior to beginning of strike. Rejected: 4–5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Bonior, and Hall.

4. Hayes—Requires labor organization to file with employer prior to a strike a notice of willingness to submit issues to a factfinding board to achieve acceptable settlement for both sides; permits permanent replacements if management agrees to board settlement but labor rejects; and prohibits permanent replacements if labor accepts terms and management rejects, or if findings are rejected by both and last offer is rejected by either side. Rejected: 4–5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Bonior, and Hall.

5. Adoption of Rule—A modified closed rule providing for two hours of general debate and making in order just two amendments. Adopted: 5–4. Yeas: Moakley, Derrick, Frost, Bonior, and Hall. Nays: Solomon, Quillen, Dreier, Goss.

H. RES. .—PROVIDING AN OPEN RULE FOR THE STRIKER REPLACEMENT BILL (H.R. 5)

Strike all after the resolving clause and insert in lieu thereof the following: "That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5) to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes, and the first reading of the bill shall be dispensed with. After general debate which shall be confined to the bill and which shall not exceed two hours, with one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be considered for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.".

Explanation: This amendment to the proposed rule provides for a two-hour, open rule for the consideration of H.R. 5, the "Cesar Chavez Workplace Fairness Act," with one-hour of general debate controlled by the Education and Labor Committee, and a half-hour each by the Committees on Energy and Commerce and Public Works and Transportation.

OPEN VERSUS RESTRICTIVE RULES—95TH–103D CONGRESSES

Congress (years)	Total rules granted [1]	Open rules [2]		Restrictive rules [3]	
		Number	Percent	Number	Percent
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	19	5	26	14	74

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bill which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rules, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: Rules Committee Calendars & Surveys of Activities, 95th–102d Congresses; "Notices of Action Taken," Committee on Rules, 103d Congress, through June 9, 1993.

OPEN VERSUS RESTRICTIVE RULES—103D CONGRESS

Rule number and date reported	Rule type	Bill number and subject	Amendment submitted	Amendments allowed	Disposition of rule and date
H. Res. 58—Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176 A: 259–164 (2/3/93)
H. Res. 59—Feb. 3, 1993	MC	H.R. 2: National voter registration act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171 A: 249–170 (2/4/93)
H. Res. 103—Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172 A: 237–178 (2/24/93)
H. Res. 106—Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166 A: 249–163 (3/3/93)
H. Res. 119—Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170 A: 248–170 (3/10/93)
H. Res. 132—Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental approps.	37 (D–8; R–29)	1 (not submitted) (D–1; R–0)	A: 240–185 A: (3/18/93)
H. Res. 133—Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 1–D (not submitted) (D–2; R–2)	PQ: 250–172 A: 251–172 (3/18/93)
H. Res. 138—Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164 A: 247–169 (3/24/93)
H. Res. 147—Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168 A: 242–170 (4/1/93)
H. Res. 149—Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993.	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208 (4/28/93)
H. Res. 164—May 4, 1993	O	H.R. 820: Natl. Competitiveness Act	N/A	N/A	A: Voice Vote (5/5/93)
H. Res. 171—May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	N/A	N/A	A: Voice Vote (5/20/93)
H. Res. 172—May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	N/A	N/A	A: 308–0 (5/24/93)
H. Res. 173—May 18, 1993	MC	S. J. Res. 45: U.S. forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (5/20/93)
H. Res. 183—May 25, 1993	O	H.R. 2244: 2d supplemental approps.	N/A	N/A	A: 251–174 (5/26/93)
H. Res. 186—May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178 A: 236–194 (5/27/93)
H. Res. 192—June 9, 1993	MC	H.R. 2348: Leg. branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177 A: 226–185 (6/10/93)
H. Res. 193—June 10, 1993	O	H.R. 2200: NASA authorization	N/A	N/A	A: Voice Vote (6/14/93)
H. Res. 195—June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	

Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ-Previous Question; A-Adopted; F-Failed.

Mr. Speaker, I am troubled by the attitude of some on the other side of the aisle who believe that this bill is perfect and cannot be improved. This is unfortunate because the consequences of H.R. 5, if enacted into law, are enormous.

This legislation would destroy the very incentives that have led to 53 years of cooperation between management and labor in most instances. It will cause highly skilled American jobs to move overseas. It will allow unions, which make up only 12 percent of the private work force, to increase their economic clout in far greater proportion to their representation in the labor market.

Equally distressing is that it will relieve labor leaders from being held accountable for their actions in asking rank-and-file members to go on strike. In essence, Mr. Speaker, H.R. 5 is an incumbent protection act for elected union officials.

Mr. Speaker, H.R. 5 is a prescription for economic decline. This rule is a prescription for the decline of deliberative democracy. It is no coincidence that bad legislation is the offshoot of bad procedure. H.R. 5 is no exception. Therefore, I urge my colleagues to vote down the rule, vote no on H.R. 5.

□ 1210

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to address the open-rule situation. Three separate committees held hearings on the markups in this session of Congress and the last session as well. There was ample opportunity for Members to voice their concerns.

The Rules Committee received a total of seven amendments to H.R. 5. Two of those amendments were withdrawn. That leaves five. Two were made in order, and of the remaining three, two were nongermane. The Hayes amendment and the Weldon amendment were not germane to the bill. So, many of the issues raised in the amendments submitted to the Rules Committee were addressed in the two amendments that were finally made in order.

Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I rise in support of House Resolution 195.

H.R. 5, the Cesar Chavez Workplace Fairness Act, is among the most important bills that this Congress will consider. The disposition of this legislation will have a significant impact upon the rights of American workers. While I will oppose amendments to this legislation, this is a fair rule. It enables the House to consider alternatives to the bill as reported by committee. This rule also preserves the right of those who oppose the legislation to offer a motion to recommit with or without instructions. Finally, this rule ensures that the House will consider the subject before it, and will not be sidetracked by irrelevant issues that have received no previous considerations, in committee or otherwise.

H.R. 5 restores balance to our labor laws. It ensures Americans will have a meaningful right to strike, not simply a right to be permanently replaced. Far from tipping the scales in favor of workers, this legislation preserves the right of employers to seek to continue operations during labor disputes including the right to hire replacement workers. This legislation does provide, however, that employers may not discriminate against their regular work force, in favor of replacement workers, because a worker has exercised his or her right to honor a picket line.

Mr. Speaker, it was my intent, as the author of this legislation, to restore a degree of economic security to American workers. Contrary to the assertions of opponents, this legislation also improves the economic security of the country as a whole. If this Nation intends to prosper in the future, we can no longer tolerate a policy that both encourages employers to promote labor disputes and turns such disputes into an economic life or death battle for both workers and employers. We must encourage cooperation between labor and management. Such cooperation cannot be bought at gunpoint, but must be based upon a mutual recognition of and respect for the common in-

terests of both labor and management. The permanent replacement of striking workers is the equivalent of a nuclear first strike. One side is encouraged to believe that it will prevail by wiping out the other side. In fact, both sides lose. It is time to end this insane practice.

Mr. Speaker, I urge my colleagues to support this rule and to support this legislation without further amendment.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, simply to respond to the statement of Chairman MOAKLEY by saying that, yes, it is true that there are alternatives that are allowed for consideration under this rule. But the fact of the matter is, as I said in my opening statement, that there are 435 Members of this House. There are three committees that were involved in this process. It seems to me that there are other Members who would like to have a chance to have their ideas considered here on the House floor.

Mr. Speaker, I yield 3 minutes to the gentleman from Sanibel, FL, Mr. GOSS, one of the hardest-working members of the Rules Committee.

Mr. GOSS. Mr. Speaker, I rise today in opposition to this rule.

This rule will allow consideration of H.R. 5, legislation that is variously known as auto-strike or the push-button strike bill. Quite frankly, this legislation is a blatant bid to increase union membership at the expense of American business. I find it ironic that this legislation—newly titled the "Cesar Chavez Workplace Fairness Act"—comes to the floor of the House not 1 week after an Arizona jury found the United Farm Workers guilty of using illegal tactics during a boycott of a grower. The Arizona jury took less than a day to award the plaintiff almost $3 million in compensatory damages and $1,000 in punitive damages.

H.R. 5 will prohibit employers from hiring permanent replacement workers in the event of an economic strike. I find it very hard to reconcile the administration's statement that this bill "will stimulate productivity and international competitiveness" with the fact that business suffers from a loss of productivity whether it hires temporary or permanent replacement workers. Yesterday, proponents of this legislation were unable to give specifics about benefits the business community will enjoy.

On the contrary, H.R. 5 is yet another signal that American business can expect decreased productivity, smaller profits and more strikes. This legislation would tip the delicate scales of labor-management relations in favor of labor. For the past 53 years, the workers of this country have improved their status immensely, hastening the decline of unions. Union membership has reached an all-time low. In 1992, only 11.5 percent of the private sector and 36.7 percent of the public sector were unionized.

While organized labor would have you believe that the United States is the only industrialized nation that allows the use of permanent replacement workers, this is false. Seven countries, including Hong Kong, clearly permit the use of permanent replacements. Canada and Germany, two countries with traditionally prounion labor laws, impose restrictions to protect businesses from being crippled.

H.R. 5 would effectively eliminate any incentive a worker has not to strike. In fact, this legislation would reverse the incentives, workers will increase their demands and the negotiation process will be less attractive.

American business is strong, but we are hitting our productivity broadside. The private sector is being bombarded by Congress—first the Family and Medical Leave Act, now the strikebreaker replacement bill, and next—health care reform. Market investments are getting riskier and riskier and it is American prosperity that ends up losing.

Mr. Speaker, I urge my colleagues to oppose this rule and this legislation. There are other options. We heard them in the Rules Committee. There are other choices that have not been made in order.

Mr. Speaker, I urge a no vote on the rule and a "no" vote on the legislation.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT], the defender of the workingman in the Congress.

Mr. TRAFICANT. Mr. Speaker, under current law, a company could be downright un-American and unreasonable, with the direct intent being to rile its work force, force them to go out on strike, and then replace them permanently.

I want to commend Chairman CLAY and the committee for taking a look at the last and only weapon an American worker has in our society. It is a word we fear, but it is a most important term dealing with rights. It is called strike. When you take away a worker's right to strike, you take away that worker's right, under our Constitution, to participate in the fabric place of America.

□ 1220

My colleagues, H.R. 5 does not stop companies from hiring replacement workers. H.R. 5 says if they have come to an impasse and, in fact, a worker exercises that severe tool, right they have, that they can still go on, they can still function.

But what H.R. 5 says is, they cannot intimidate, coerce, pressure people to go on strike for the purpose of getting rid of them permanently.

If Congress does anything today to help the American worker, they will insulate the only right they have in our workplace. This is a bigger bill than many Members have talked about. Again, I commend the committee, and I commend the gentleman from Missouri [Mr. CLAY]. I would hope that we would support the bill.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Bradenton, FL, Mr. MILLER, a member of the Committee on Education and Labor.

Mr. MILLER of Florida. Mr. Speaker, this is a bad bill, and our debate that we will go through this afternoon will indicate the problems with this bill. I have advocated its defeat.

This is a direct effort to gut right-to-work State laws and increase union membership, because the numbers are vanishing. Union membership has dropped to only 11 percent of the work force.

There are currently 21 States that have right-to-work laws. This means it should be an easy vote for those from right-to-work States, because Members will have their choice to either vote for their constituents or vote for special interests.

I keep hearing it is going to be a difficult vote. I do not understand why, but I think I do know why. If we look at these special interests and how Members vote and how their campaign contributions and support came from the labor PAC's, this bill is going to be a great indication of why we need campaign finance reform, because special interests are going to win out.

Eleven percent of the people belong to unions. This is a union bill, and the 21 States that have right-to-work laws do not need this type of legislation.

So tomorrow, when we analyze the vote, we are going to analyze the vote. And I think the media will be doing the same thing, analyzing it with respect to the amount of contributions and support PAC's are giving.

We need campaign finance reform, and we do not need this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] for yielding time to me.

I ask for support not only of H.R. 5 but also for the rule.

Over the last few months, we witnessed a massive campaign to derail this bill. My own office has received a great number of letters from businesses who feel like this would put them at a disadvantage during a collective-bargaining disagreement.

I do not feel the balance between business and labor would be tilted to one side or the other. In fact, this bill would actually level the playing field. That is why I was cosponsoring this bill and asking for support today.

The facts are simple. Terminating an employee for striking is illegal, but to

permanently replace them is only to terminate by another name. This bill will clarify our intentions on the ability of a worker to bargain collectively and strike, if necessary, as a last resort.

In my experience, as both a union member and a manager of a plant that had a union contract, I found that a strike is a last resort. The economic realities facing our workers today, who live from paycheck to paycheck, prohibit the type of increased striking businesses seem to fear.

This is a fairness to the worker. Our workers compete with every industrialized nation in the world. Yet all we are asking for is the same protection as other industrialized nations.

I heard one of the earlier speakers compare our workers with Hong Kong, which is not actually fair. Let us compare them with West Germany or Germany or Japan and other industrialized nations.

The use of permanent replacements has only served to increase the animosity between labor and management. I believe it's time we start working together and level that playing field.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to our revered Republican leader, the gentleman from Peoria, IL, Mr. MICHEL.

Mr. MICHEL. Mr. Speaker, I rise today in opposition to the rule. This is yet another restrictive rule that makes in order only 2 of 7 amendments that had been submitted to the Committee on Rules. It seems to me this is not the time to be considering a bill that would overturn 50 years of established law and unnecessarily change the delicate balance that exists in labor-management negotiations.

The primary reason that this is not the time for consideration of this bill is that the policy embodied in this measure could lead to wholesale job loss here in the United States. What I hear from my constituents back home is that they want us to be working on policies that not only preserve good jobs here at home but that create or at least improve the environment here for the creation of more jobs for Americans.

H.R. 5 would prohibit an employer from hiring permanent replacements in the case of a purely economic strike, where workers are seeking higher wages or improved benefits.

Employers have always been prohibited from hiring permanent replacements, when there was a strike over an unfair labor practice. And that distinction between the two types of strikes was drawn very clearly, judicially, by the Supreme Court in the MacKay case in 1938.

Now, under current law, employees have the right to strike for higher wages and better benefits. An employer has the right to remain in business by hiring replacement workers. This is the balance that has been in place for over 50 years. It is a balance that would be destroyed by H.R. 5.

The proponents of this legislation will argue that permanent replacements have become standard practice in labor disputes. A recent GAO report proves that to be absolutely false. Only 4 percent of striking workers were permanently replaced in 1989.

Yes, there have been some high profile situations, even one in my district where Caterpillar announced that it intended to hire permanent replacements after a 5-month work stoppage in Peoria and around the country. In the Caterpillar situation, the employees decided, quite frankly, to return to work. The reason for that was that the last offer by the company was a pretty healthy one.

When it looked like they might be replacing workers, there were over 30,000 phone calls per hour from around the country in the first day. Why not? When the average wage of the worker would rise from $42,000 to $52,000, when they had 6 years job security for every individual employee by name, 100 percent fully funded health care plan that ranks in the 96 percentile in the entire country, and other fringe benefits. And the general public said, "And you would strike or prolong a work stoppage over these kinds of working conditions?"

The union lost the public elections battle from the very beginning on that score, and the company was right in threatening at least the possibility of replacement workers, when the union did not give consideration to the last offer that ranks among the very best in the country.

So the crux of the debate should not focus on the emotional issue of whether striking workers can be replaced but should also focus on the fact that business in the United States must now compete in a global marketplace. We must think differently and think anew. Organized labor cannot operate the way they did 30 years ago. They have got to update their thinking.

In order to preserve jobs in the United States, companies must ensure that they can compete worldwide, not only domestically; they can no longer be tied to union pattern bargaining which only looks at domestic industries.

Each company must have the ability to negotiate with its employees on individual terms to determine what will keep the business competitive and what will keep those jobs here in the United States. Otherwise, those companies might well decide it is in their economic interest to move offshore.

I made the point last night in a special order, that better than 50 percent of the people employed by Caterpillar are there because the company exports more than 50 percent of what it produces at home. Caterpillar would like to preserve their U.S. manufacturing base. We, in Congress, should not make the economic climate so uncompetitive that U.S. companies have to move abroad.

Caterpillar's biggest competitors are in Europe and Japan. We have got the best and we ought to preserve it. We have got blinders on if we seek to pacify a few who frankly are out of step with the times of the 1990's.

I hope we will reject this rule. Give Members an opportunity to offer more amendments. Let those amendments rise or fall on their merits by either an affirmative or negative vote.

Mr. Speaker, I thank the gentleman for yielding time to me.

□ 1230

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK. Mr. Speaker, I rise in support of this rule and of H.R. 5 as well, as reported from the committee. It is time to pass this bill and restore balance to the collective bargaining process. This bill is about fair play. Since the 1930's, the fundamental principal of labor-management relations has been to allow an equivalence between both sides so that one cannot dominate the other. Over the past 12 years that balance has been lost and now bargaining power has been grossly tilted to one side. I remember the demise of the air controllers union. I remember the demise of labor workers throughout this country. I remember the death of Eastern Airlines. All of this was brought about by the many ill-begotten kinds of things that happened during the last 12 years.

As we debate this bill, the mineworkers are on a selective strike. These Americans who have one of the most dangerous jobs there is need our help. On June 4, the management of a Peabody mine at Waverly, KY, called in two shifts to give their version of the issues under negotiation. Do these workers need protection? I say "yes." Pass this rule. These American workers voiced their opinion of the management views vigorously during the meeting. In retaliation for this verbal expression of dissent, Peabody management on the spot attempted to fire both shifts and bring in replacement workers. This is outrageous.

It is time to lift the jackboots of the corporate neanderthals from the necks of the American working people. Let's pass this bill and restore freedom.

Mr. DREIER. Mr. Speaker, I yield 3 mintues to the gentleman from Aston, PA [Mr. WELDON], a victim of the Committee on Rules, someone whose amendment was denied up there.

Mr. WELDON. Mr. Speaker, I rise in strong opposition to this rule. I ask my colleagues on the other side for some legislative fairness in dealing with the workplace fairness issue.

Mr. Speaker, I rise as someone who in fact agrees and feels there is a need

to do something in this area in terms of perhaps practices over the last 10 to 15 years where the National Labor Relations Board has not been as aggressive and has not been fair in dealing with labor's concerns.

In fact, I have taken those concerns directly to former President Bush in the Oval Office the last time this bill came on the floor in the last session. I said, "Mr. President, we have to deal with this issue of 2-, 3-, 4-, and 5-year time periods for the National Labor Relations Board to bring back rulings," when in most cases it is irrelevant because the situation has in fact resolved itself and workers have been hurt.

We know that this legislation will pass the House, but it is not going to pass the Senate. We know that the votes are not there to pass the legislation in its current form, and we are only kidding ourselves if we say otherwise.

Therefore, I have tried to reach out, as some of my colleagues have done, to try to find a compromise, much as we did with the Family and Medical Leave Act, when we knew that was not going to have the votes necessary on both sides of the aisle to pass this body.

However, the Members on this side have denied us the opportunity. There were amendments that could have been offered today that I think would have brought more people into the process to allow us to fully deal with this issue, and find a way to truly bring fairness to the process. I do not want to tilt the balance in either direction, either.

I would have offered an amendment today that would have made neither side happy. Neither labor nor management would have been happy with an amendment that would have called for an expedited process from the NLRB, among other things. I am not being given the opportunity to offer that amendment today. Likewise, there are other amendments that would have been offered which could have received the support of a number of our colleagues.

I am very happy that the Committee on Rules did see fit to allow the Ridge, Holden, and Olympia Snowe amendment, because that merits our consideration. We need to look at this issue, not to see who can score the most political points with organized labor, but who can find a solution to the problem. That is what I am all about, and that is what we should be all about.

This rule denies us that process. It does not allow us the opportunity to try to find that balance, to try to find that compromise. As someone who voted for this bill in the last session, because I want to move this process forward, I am offended at that. I wish the other side would allow us to work together on these issues where we have common agreement. Unfortunately. that is not the case here today.

Mr. Speaker, I thank my colleague for yielding time to me.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, I rise today in support of the rule and in unreserved support of the Cesar Chavez Workplace Fairness Act. I would like to first commend the chairman of the Education and Labor Committee, BILL FORD, and the chairman of the Labor-Management Relations subcommittee, PAT WILLIAMS, for their strong efforts this year, and in years past, to respond aggressively to the threat to our Nation's workers posed by the practice of permanently replacing striking workers.

One of the first actions I took as a Member of Congress was to cosponsor this bill, H.R. 5. Countless times during my campaign, I was approached about this bill by men and women who were victims of striker replacement, and I was deeply touched by their stories. These hard workers and their families have suffered terribly for the simple fact that they exercised their legal right to strike—a basic right that all workers must retain in any democracy.

I find the actions of those employers who permanently replace strikers to be reprehensible. Labor negotiations are an essential tool for both sides in the bargaining process. As a former human resources manager, I know that employers who treat workers fairly, provide safe work environments, and living wages for their employees are rewarded with increased worker productivity—and make our Nation more competitive.

But presently, the negotiations process is being circumvented by many employers who refuse to come to the table and instead choose, for all intents and purposes, to fire striking workers by hiring their permanent replacements.

Mr. Speaker, this legislation affords the protection that these workers deserve. I am wholeheartedly in support of it, and urge my colleagues to join me in supporting the rule and final passage.

Mr. DREIER. Mr. Speaker, I yield 1 minute and 30 seconds to our hardworking colleague from Casper, WY, Mr. THOMAS.

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in opposition to the rule and the so-called Cesar Chavez Workplace Fairness Act.

Today, the majority has made time in the agenda but has limited the opportunity to consider legislation which will change labor-management relations. H.R. 5 will make the workplace more divisive and add to the cumulative burden of regulation faced by employers.

What we have here is a fragile economy. And the majority in this Congress keeps piling it on—one regulation, restriction, and economic limitation after another. And then stare in fake innocence at the public and wonder why the economy doesn't work. Today we face a bill that will set the economy back with new vengeance. And I will tell the Members, pass this and we will not get to blame the economy on the past 12 years. A faltering economy aggravated by a slew of strikes and manufacturing shutdowns will be all your own making, your own design, and your responsibility.

Tampering with the economic balance of labor relations to extract the risk is foolish. It is that risk that is the essence of the balance between labor and management. This bill seeks to take the risk out of strikes, to take the risk out of bargaining for one side and one side alone. There is no fairness. There is no incentive to settle without risk.

The American public is deeply concerned about the economy and the majority of Americans—apparently quite different than the majority in the House—oppose this legislation.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], a member of the Committee on Ways and Means.

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support of H.R. 5, the Cesar Chavez Workplace Fairness Act. I commend the chairmen, the gentlemen from Michigan, Mr. FORD and Mr. DINGELL and the gentleman from California, Mr. MINETA for their commitment to this legislation and this Nation's workers.

Mr. Speaker, the Cesar Chavez Workplace Fairness Act seeks to restore the fair balance between labor and management, to improve the standard of living for American workers and American competitiveness. This legislation amends the National Labor Relations Act and the Railway Labor Act to prohibit employers from hiring permanent replacements for workers in an economic strike. It prohibits employers from giving any employment advantage to a striking worker who crosses the picket line to return to work before the end of a strike. It is important to note that this measure does not apply to non-union workers. It thereby protects employers against undisciplined work stoppages by employees who have no identified representative authorized to settle or negotiate their differences.

In the last 10 years, the use of permanent replacements has increased. In fact, a GAO study showed that employers hired permanent replacements in approximately 17 percent of the strikes reported in 1985 and 1989. In about one-third of the strikes, employers threatened to hire permanent replacements.

In point of fact, there is no need for permanent replacements because employers can operate their businesses without replacing strikers. Management has a host of other options to uti-

lize during a strike. They can hire temporary workers. They can use supervisory or management personnel. They can transfer or subcontract. Most important, they can negotiate.

If our trading partners and competitors can do it, so can we. Japan, Germany, Canada, and France all prohibit the use of permanent replacements for striking workers. So should we. The United States is falling behind in quality and productivity. Not only have real wages for American workers declined but so too has our competitive edge. The establishment of a stable labor-management relationship by our trading partners has allowed them to become more competitive in the world market. It has also enabled them to become more competitive in ours. The economies of our foreign partners have high wages and trade surpluses. As we know, we face falling wages and an overall trade deficit. This legislation is the first step in our return to a competitive position in the world economy.

For example, in my own district in 1986, employees of Colt Firearms struck after working for almost a year without a contract. Management replaced striking workers immediately. After much negotiation, many issues were close to being settled—except the issue of the permanent replacement workers. The economic liability favored the company with respect to the replacement workers. Over 3 years later the strike ended—not when negotiations were completed—but when the employees who struck successfully bid to purchase the division. Similar long-term strikes have occurred in Connecticut. But this particular strike was the longest in Connecticut's history. And needless to say, it was devastating.

Management systems that encourage worker involvement are essential to increasing opportunity for success, from the smallest of companies to the largest of corporations. Promoting cooperation in industry—as a Nation—we enhance our efforts to compete globally.

In 1935, the National Labor Relations Act was created. It promised workers a fair opportunity to engage in collective bargaining. We need to strengthen the balance between labor and management so that employers and employees work together rather than continue to watch the balance erode in favor of management which may in turn no longer bargain in good faith. Collective bargaining is an integral part of the maintenance of labor-management relations. This system was established to treat both employer and employee as fairly and as equitably as possible. H.R. 5 reestablishes that fair treatment and that balance.

I urge my colleagues to join me in supporting H.R. 5, the Cesar Chavez Workplace Fairness Act.

□ 1240

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from South Carolina [Mr. INGLIS], a member of the Committee on the Judiciary and the Committee on the Budget.

Mr. INGLIS. Mr. Speaker, I thank my colleague for yielding the time.

Mr. Speaker, the striker replacement bill is a step backward in management-labor relations. It is a throwback to previous generations.

For 50 years there has been a carefully crafted balance in the bargaining power of business and labor. As long as this balance exists, strikes are rare, and amicable labor relations are common.

This bill would radically change that balance in labor law by leading to more confrontation rather than cooperation.

The dynamic and successful companies of today, and those who will prosper tomorrow are those who are moving toward full participation in management and production decisions. Employers and employees have moved well beyond the politics of envy and confrontation and are immersed in an era of cooperation and teamwork.

H.R. 5 is an effort to kill the right-to-work laws in my State, South Carolina, and 20 other States. Let us keep U.S. companies competitive while maintaining the highest quality of living for our people. Let us fight this unfair and dangerous bill and keep American workers and companies moving forward in the spirit of cooperation.

The day we pass H.R. 5 is the day we lose even more jobs to companies who will move overseas.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Pennsylvania [Mr. BLACKWELL].

Mr. BLACKWELL. Mr. Speaker, I rise to defend the rule and to support this bill because of the fact that to belong to a labor union is as American as mother's apple pie and the American flag.

In the last 12 years we have had nothing but union busting in America, and now they say that they want to take us back to the days where we had to work 24 hours a day with no pay, and if you did not like it, go home.

This bill will protect the American worker similar to the way we protect the American business person in this country.

Unions do not want to strike. They do not want special privileges. They want the same treatment that everyone else gets.

I have been a labor leader for some 30 years, and never have I seen the kind of treatment that labor is getting in the United States of America at this point in time. No country in the world treats their workers like the workers are being treated in America today. No country in the world. They have protections.

People always like to equate us with Japan. I only wish that management would treat the American worker like Japan treats its worker. Give us that kind of security on our job—we do a good job—that they give the Japanese, and we would have no need for strikes.

But no one, no one should interfere when American workers and management are having a dispute, because that is unfair. It should be unconstitutional, and we should change it today.

There are some people who want it both ways. The American worker just wants the same thing that management wants. They want the American dream. But we have some people who want to give them the American nightmare. They want to make all of the money while the workers who do the work get nothing. We are sending our kids to college while the American workers' kids do not get that chance. We want to live on a tree-lined street, while the American worker does not enjoy the same thing.

That is what it is all about. Some people want special privileges to the detriment of the people who built this country. Labor built this country. They have a right to stay in business, and they have a right to be treated fairly, Mr. Speaker, and we intend to see that it happens.

The American people are crying for fairness, and that is what this bill speaks to.

Mr. DREIER. Mr. Speaker, I am happy to yield 4 minutes to my friend, the gentleman from Pennsylvania [Mr. RIDGE], a hard-working member of the Committee on Banking, Finance and Urban Affairs whose amendment was made in order by the Rules Committee.

Mr. RIDGE. Mr. Speaker, let me first of all thank the Rules Committee for giving me the opportunity to offer the substitute on behalf of my colleagues, AMO HOUGHTON, OLYMPIA SNOWE, and STEVE GUNDERSON and myself. I thank you all for that.

I would appeal at this time to my Republican and Democratic colleagues to look carefully at our substitute, take a careful look at our approach. It is consistent with our belief in a free market, capitalistic economy. It is consistent with the history of labor law reform in that it promotes the resolution of disputes in the marketplace, and it is consistent with the need to find equilibrium, a very important ingredient, to find equilibrium in the relationship between labor and management.

Collective bargaining is governed by old laws, 40 or 50 years old and older. The world has changed dramatically, dramatically since then. Competition is much tougher, and competition is worldwide. Trade laws are not equitably enforced. Health care costs squeeze both sides in these disputes. The prolonged recession squeezes both parties even further.

Management is trying to stay competitive and productive and keep peo-

ple working, and workers themselves are struggling day to day to keep their jobs. Negotiations are tougher, and on occasion there appears a business type who seeks to destroy rather than to negotiate.

If Members believe as I do that the status quo is unacceptable, is fraught with problems, then they have to take a look at our substitute. And I say that to my Republican and Democratic colleagues.

It is in the best interest of all to encourage dispute resolution. It is in the best interest of all to encourage the parties to get together, and we do that. We have a 10-week waiting period, a cooling-off period before the worker that is hired can become a permanent worker, a permanent replacement worker. We give those in organized labor a right to secret ballot to strike. We encourage, we encourage, not mandate, but we encourage the use of the Federal mediation and conciliation service.

We want to put people back together. We want to resolve disputes. The history of labor law to encourage reform that does anything but promote the resolution of disputes is taking reform in the wrong direction.

For many of my colleagues, this has been and continues to be an academic exercise in the intricacies of industrial relations policies. For many it is deeply personal. Many have seen the despair and hopelessness in the eyes of workers who have lost their jobs to replacement workers. They were not victims of their own greed. They were failed by the system that no longer serves as the honest broker in a free-market economy. They deserve better.

Today we have an opportunity to restore equilibrium to the system and provide some degree of hope to many workers who have long since abandoned their faith in the system.

I point out again to my colleagues, workers have their right to strike; management has its right to hire replacement workers. But in that interim after the strike vote is called, after a secret ballot, and before workers can become permanent replacement workers, we would provide for that 10-week waiting period, encouraging the parties to get back to the negotiation table, to use the collective-bargaining process for which it was intended, and that is the resolution of the disputes between labor and management.

We think it is a fair and balanced approach. It brings equilibrium back to the relationship between labor and management, and we encourage our colleagues to support it.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Mississippi [Mr. THOMPSON].

Mr. THOMPSON. Mr. Speaker, I stand before you today in support of H.R. 5, the Cesar Chavez Workplace Fairness Act. I support this bill not because of politics but on principles, it is the right thing to do. The right to strike always has been the ultimate leverage available to workers should negotiations or arbitration fail to resolve their differences with management.

For over 50 years, the Federal Government has ensured the right of private-sector workers to resort to a strike if they could not otherwise gain their economic objectives, and prohibited employers from firing workers for exercising their right to strike.

During the past 12 years, there have been a number of strikes in which management permanently replaced strikers and this action has led the working people of this country to feel that they have been abandoned by the Federal Government in favor of management. Many workers believe that unless this bill is passed, the right to strike will have little to no effect as a bargaining tool with management.

I urge you to support H.R. 5, the Cesar Chavez Workplace Fairness Act. This legislation will restore fairness between labor and management and will improve the living standards of all Americans as well as add to the competitiveness of America's products.

□ 1250

Mr. MOAKLEY. Mr. Speaker, for the purposes of debate only, I yield 4 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, let us take the mystery out of what is going on.

I rise to support this rule. This rule gives both sides the opportunity to have some input about H.R. 5.

But let us, indeed, take the mystery out of the debate. This is simply about whether or not workers are going to have the right to strike, workers oftentimes who have been in the workplace, 10, 15, 20 years. They want to bargain in good faith. Management may not bargain in good faith. Management comes to the table, not to fight about how much the increase, but to cut wages as they have been doing over the past 10 years, reduce benefits, take away hospitalization and other kinds of guarantees workers thought they had in the workplace.

If, in fact, workers cannot reach an agreement, they are being treated unfairly. Government guaranteed them the right to strike. Now we are finding management is spending millions of dollars hiring sophisticated lawyers, hiring corporations to go out and break the backs of the strikers, hiring permanent replacements.

In this legislation, we are saying, "You cannot do that. Workers who have been on the job, who have given of their lives to the workplace, should not be treated in that fashion." We have seen what has happened with the air traffic controllers. We allowed their backs to be broken. Many of them have never worked again a day in their lives. Workers deserve better.

We have Members coming to this floor talking about jobs, jobs, jobs. People in this country deserve the right to work, and they deserve the right to earn a decent living.

We have seen wages reduced dramatically as we have exported jobs to Third World countries for cheap labor, to Taiwan, Mexico, Brazil. Now we have families that are working at entry-level wages, not able to pay a mortgage, not able to guarantee their children's future and pay for an education.

It is time for us to say, "Corporations, we cannot continue to give you a tax break and tax incentives as we have done in the past, 1981, 1986, the selling of tax credits." Companies such as General Electric, not only did they not pay any taxes that year, they got a tax refund, but they took our jobs and they exported them to Third World countries for cheap labor.

We are now saying, "Corporations, in addition to the tax incentives, in addition to the tax breaks, you can break the backs of workers who have been in that workplace for years. You can say, 'Your jobs are going. We are going to hire people to replace you, and we are going to pay them less money.' "

Mr. Speaker, enough is enough. If you are concerned about jobs, if you are concerned about the American worker, if you really believe what you say about what you want this President to do, job creation, you will vote for H.R. 5, and you will vote for the rule.

Mr. DREIER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, there is a great deal of concern over this issue of openness, and I know that the issue was raised by Chairman MOAKLEY when he referred to the fact that several other committees have already had a chance to have input here.

But it seems to me that this restrictive rule does jeopardize the rights of many Members here who would like to be heard on this issue, and we are trying to address the issue of workplace fairness.

Now, just today we received in our office a legislative alert from the AFL–CIO, and it is dealing with some legislation that is due to come before us later this week. But they specifically, in this letter, talk about the ultimate closed rule, and so I can only surmise that the AFL–CIO would be inclined to be consistent, at least this week, by joining us in opposing this restrictive rule which does prevent Members the right to be heard on this particular issue.

We are dealing with someone who has recently passed away, from my home State of California, Cesar Chavez, as we named this legislation. It is called the Cesar Chavez Workplace Fairness Act.

It seems to me, Mr. Speaker, that what we should be trying to do is to pursue a rule under which we consider this legislation which should aptly be called the Cesar Chavez House workplace fairness rule.

We should do everything that we possibly can to defeat this rule, come back with our House workplace fairness rule.

Mr. Speaker, I would urge a no vote on this rule.

Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, to finalize the arguments, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman, the chairman of the Committee on Rules, for yielding me this time.

My colleagues, let us support this rule and get this bill up for consideration and debate. That, of course, is all this rule does, just allows the bill to come to the floor.

This is a bill that has been in the Congress now for 5 years. The bill is not about the right to strike. It is not even about encouraging strikes. I do not believe that folks want to actually encourage strikes.

This bill is simply about people's right to withhold their labor, a cherished American tradition, and when they determine to do that, this bill would reserve their jobs for them so that they could return to it when the strike is over.

Is it really fair to say to an American worker who conducts a legal strike, "If you do that, you are going to lose your health care, you are going to lose your salary, you are going to lose your job"? This bill says, "No, that is not right. Let us at least preserve their jobs for them."

Of course, they are not paid when they are on strike. Workers understand that, and so most of them do not want to go on strike, and most of them do not.

By the way, the bill is limited to members of organized labor or to those shops where 50 percent or more of the people have said, "We want to join a union, and we are going to vote soon to do so." It would also preserve their jobs. No other worker in America would have their job preserved if they decided to go on strike. So just among this limited group of people would this bill even have any effect at all.

This bill is not about good guys and bad guys; black hats and white hats; big labor or big business. It is about little working people and trying to reserve and protect their jobs.

But let me say, simply because there has been some accusation about big labor and bad people and black hats, let me just say that if this bill is about black hats, it is about those people who used the 1980's through junk-bond mania, leveraged buyouts, and corporate mergers to lay off Americans by the millions, bust their unions, and send those jobs overseas. Those are the Americans who wear the black hat in today's economy.

If this bill is about anybody wearing a black hat, it is about those people who do not understand world competition and the fact that for the first time since the Great Depression America's labor law is not as progressive as is the labor law of competing nations. It is about the fact that for the first time since the Great Depression American workers are no longer the best-paid workers in the world, making, for example, 40 percent less than their German counterparts.

□ 1300

If there are any black hats, it is those who do not understand that America cannot long continue to compete if our workforce is not the best paid, best protected in the world.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 176, not voting 13, as follows:

[Roll No. 221]

YEAS—244

Abercrombie	Cardin	Edwards (CA)
Ackerman	Carr	Edwards (TX)
Andrews (ME)	Chapman	English (AZ)
Andrews (NJ)	Clay	English (OK)
Andrews (TX)	Clayton	Eshoo
Applegate	Clement	Evans
Bacchus (FL)	Clyburn	Fazio
Baesler	Coleman	Fields (LA)
Barca	Collins (IL)	Filner
Barcia	Collins (MI)	Fingerhut
Barlow	Condit	Flake
Barrett (WI)	Conyers	Foglietta
Becerra	Cooper	Ford (MI)
Beilenson	Coppersmith	Ford (TN)
Berman	Costello	Frost
Bevill	Coyne	Furse
Bilbray	Cramer	Gejdenson
Bishop	Danner	Gephardt
Blackwell	Darden	Geren
Bonior	de la Garza	Gibbons
Borski	Deal	Glickman
Boucher	DeFazio	Gonzalez
Brewster	DeLauro	Gordon
Brooks	Dellums	Green
Browder	Derrick	Gutierrez
Brown (CA)	Deutsch	Hall (OH)
Brown (FL)	Dicks	Hamburg
Brown (OH)	Dingell	Hamilton
Bryant	Dixon	Harman
Byrne	Dooley	Hastings
Cantwell	Durbin	Hefner
Hinchey	Meek	Schroeder
Hoagland	Menendez	Schumer
Hochbrueckner	Miller (CA)	Scott
Holden	Mineta	Serrano
Hoyer	Minge	Sharp
Hughes	Mink	Shepherd
Hutto	Moakley	Sisisky
Inslee	Mollohan	Skaggs
Jefferson	Montgomery	Skelton
Johnson (GA)	Moran	Slattery
Johnson (SD)	Murphy	Slaughter
Johnson, E.B.	Murtha	Spratt
Johnston	Nadler	Stark
Kanjorski	Natcher	Stenholm
Kaptur	Neal (MA)	Stokes
Kennedy	Neal (NC)	Strickland
Kennelly	Oberstar	Studds
Kildee	Obey	Stupak
Kleczka	Olver	Swett
Klein	Orton	Swift
Klink	Owens	Synar
Kopetski	Pallone	Tanner
Kreidler	Parker	Tejeda
LaFalce	Pastor	Thompson
Lambert	Payne (NJ)	Thornton
Lancaster	Payne (VA)	Thurman
Lantos	Pelosi	Torres
LaRocco	Penny	Torricelli
Laughlin	Peterson (FL)	Towns
Lehman	Peterson (MN)	Traficant
Levin	Pickett	Tucker
Lewis (GA)	Pickle	Unsoeld
Lipinski	Pomeroy	Valentine
Long	Poshard	Velazquez
Lowey	Price (NC)	Vento
Maloney	Rahall	Visclosky
Mann	Rangel	Volkmer
Manton	Reed	Washington
Margolies-Mezvinsky	Reynolds	Waters
Markey	Richardson	Watt
Martinez	Roemer	Waxman
Matsui	Rose	Wheat
Mazzoli	Rowland	Whitten
McCloskey	Roybal-Allard	Williams
McCurdy	Rush	Wilson
McDermott	Sabo	Wise
McHale	Sanders	Woolsey
McKinney	Sangmeister	Wyden
McNulty	Sarpalius	Wynn
Meehan	Sawyer	Yates
	Schenk	

NAYS—176

Allard	Everett	Johnson (CT)
Archer	Ewing	Johnson, Sam
Armey	Fawell	Kasich
Bachus (AL)	Fields (TX)	Kim
Baker (CA)	Fish	King
Baker (LA)	Fowler	Kingston
Ballenger	Franks (CT)	Klug
Barrett (NE)	Franks (NJ)	Knollenberg
Bartlett	Gallegly	Kolbe
Bateman	Gallo	Kyl
Bentley	Gekas	Lazio
Bereuter	Gilchrest	Leach
Bliley	Gillmor	Levy
Blute	Gilman	Lewis (CA)
Boehlert	Gingrich	Lewis (FL)
Boehner	Goodlatte	Lightfoot
Bonilla	Goodling	Linder
Bunning	Goss	Livingston
Burton	Grams	Machtley
Buyer	Grandy	Manzullo
Callahan	Greenwood	McCandless
Calvert	Gunderson	McCollum
Camp	Hall (TX)	McCrery
Canady	Hancock	McDade
Castle	Hansen	McHugh
Clinger	Hastert	McInnis
Coble	Hayes	McKeon
Collins (GA)	Hefley	McMillan
Combest	Herger	Meyers
Cox	Hobson	Mica
Crane	Hoekstra	Michel
Crapo	Hoke	Miller (FL)
Cunningham	Horn	Molinari
DeLay	Houghton	Moorhead
Diaz-Balart	Huffington	Morella
Dickey	Hunter	Myers
Doolittle	Hutchinson	Nussle
Dornan	Hyde	Oxley
Dreier	Inglis	Packard
Duncan	Inhofe	Paxon
Dunn	Istook	Petri
Emerson	Jacobs	Pombo

Porter	Schaefer	Tauzin
Portman	Schiff	Taylor (MS)
Pryce (OH)	Sensenbrenner	Taylor (NC)
Quillen	Shaw	Thomas (CA)
Quinn	Shays	Thomas (WY)
Ramstad	Shuster	Torkildsen
Ravenel	Skeen	Upton
Regula	Smith (MI)	Vucanovich
Ridge	Smith (NJ)	Walker
Roberts	Smith (OR)	Walsh
Rogers	Smith (TX)	Weldon
Rohrabacher	Snowe	Wolf
Ros-Lehtinen	Spence	Young (AK)
Roth	Stearns	Young (FL)
Roukema	Stump	Zeliff
Royce	Sundquist	Zimmer
Saxton	Talent	

NOT VOTING—13

Barton	Hilliard	Santorum
Bilirakis	Lloyd	Smith (IA)
Engel	Mfume	Solomon
Frank (MA)	Ortiz	
Henry	Rostenkowski	

The Clerk announced the following pair:

On this vote:

Mr. Engel for, with Mr. Bilirakis against.

Mr. YOUNG of Alaska changed his vote from "yea" to "nay."

Mr. VALENTINE changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to House Resolution 195 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5.

□ 1321

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5) to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes, with Mr. LEVIN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan [Mr. FORD] will be recognized for 30 minutes, the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes, the gentleman from Washington [Mr. SWIFT] will be recognized for 15 minutes, the gentleman from Ohio [Mr. OXLEY] will be recognized for 15 minutes, the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 15 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, I ask unanimous consent to yield the majority's time for the Committee on Education and Labor to the gentleman from Montana [Mr. WILLIAMS], the chairman of the subcommittee that wrote this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. WALKER. Mr. Chairman, reserving the right to object, I am just trying to find out why the gentleman from Michigan is requesting a change since they were in the Committee on Rules.

The CHAIRMAN. The gentleman from Michigan [Mr. FORD] is indicating that the gentleman from Montana [Mr. WILLIAMS] would control the time for the majority of the Education and Labor Committee. The gentleman from Montana [Mr. WILLIAMS] is the chairman of the subcommittee.

Mr. WALKER. It would be the same amount of time but evidently something has changed since it was in the Committee on Rules.

The CHAIRMAN. The rule indicates that 30 minutes will be equally divided and controlled by the chairman and the ranking minority member.

Is there objection to the request of the gentleman from Michigan?

Mr. WALKER. Mr. Chairman, I am reserving the right to object, and I thought I had a fairly simple question, and that was what the change has been here since this matter was decided before the Committee on Rules.

Mr. Chairman, we are a little sensitive on our side in that whatever we ask for gets rejected, but then, when things happen at the Committee on Rules that do not exactly fit the majority's plan, then they come to the floor, and they change them, and we are never allowed to change things as they affect us.

So, I am basically asking the question: What has changed here and why?

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, the gentleman from Montana [Mr. WILLIAMS] is the chairman of the subcommittee that has carried the coal on this bill to get it to the floor. As the chairman of the full committee, I was prepared to call the bill up, which was not necessary because of the way the rule was written. Therefore I have asked unanimous consent that, instead of taking the 30 minutes myself, it go to the chairman of the subcommittee that wrote the bill.

Now I can accomplish the same thing by standing here and yielding to whoever the gentleman from Montana tells me to yield to, but that will just become cumbersome and certainly would not be efficient.

Mr. WALKER. Mr. Chairman, is the gentleman simply going to handle the time for his side?

Mr. FORD of Michigan. Mr. Chairman, I am letting the gentleman from Montana handle the time instead of me, and that should please the gentleman from Pennsylvania [Mr. WALKER]. The last time I brought the bill to the floor, Mr. Chairman, he did not even want me to revise and extend my remarks. So, I am trying to get out of the way and make life easier for him.

Mr. WALKER. Mr. Chairman, that sounds like a good idea, and I will, therefore, withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Chair, therefore, recognizes the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman and my colleagues, this bill is not about the right to strike. This bill is about the right to hold one's job. Americans now have the historic right to withhold their labor. This bill is about whether or not their job will be waiting for them after they have finished withholding their labor.

First and foremost, Mr. Chairman, the purpose of this legislation is to recognize the value of stability between the employer and the employee. This bill removes the temptation that current laws dangle before employers to gain advantage by severing the long-standing relationship with their employees. The bill recognizes that in the modern workplace a long-term, mutual commitment between employer and employee needs to be encouraged. It rejects the 1980's notion of immediate gratification, short-term profit, and quick fixes. It suggests that once a collective bargaining relationship has been established, the law should encourage its survival. Above all, it should not provide the continual temptation to employers to get rid of its workers each time a contract expires and to do so by merely refusing to bargain reasonably, precipitate a strike, and then fire the work force.

The current law, Mr. Chairman, betrays workers and provides false incentives to employers. It betrays workers because it promises the right to strike, does the law, but allows the employer to get rid of workers who exercise that legal right. It provides a false hope to employers by encouraging the quick fix of busting a union at the expense of building long-term, constructive relationships. It is increasingly obvious that we must move beyond the confrontational, antagonistic labor relations that undermine this Nation's economic health.

□ 1330

We need to create equity so that both labor and management are committed to moving toward a better way of doing business. That is what we hope to achieve with this legislation, and I am hopeful that the debate will center on

a better relationship between the employers in America and America's employees.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from New Jersey [Mrs. ROUKEMA], a very active member of the committee.

Mrs. ROUKEMA. Mr. Chairman, the debate surrounding the Workplace Fairness Act, H.R. 5, is as emotional as any Congress has engaged in over recent years. However, when stripped of the emotional appeals, the facts prove that the bill, otherwise known as the striker replacement bill, is a policy Pandora's box and nothing more than a windfall for organized labor. It should be defeated.

The bill's title notwithstanding, the striker replacement bill has nothing to do with workplace fairness or enhancing U.S. competitiveness. It is about tipping the scales of power and gaining an advantage. Unfortunately, those pushing for passage of this bill are seeking to gain that advantage in the wrong arena, the arena of the past—confrontation, rather than the arena of the future—competitiveness and cooperation. The arena of confrontation will close factory doors for good; the arena of competitiveness and cooperation will expand our markets and job base.

IGNORES ECONOMIC REALITIES

In today's competitive marketplace, there can be no doubt that an experienced, well-trained, and loyal work force is one of any employer's most valuable assets. That fact alone should quell the concerns of those advocating the dramatic labor law reforms embodied in the striker replacement bill. The notion that employers cavalierly decide to replace entire units of employees contradicts the nearly universal efforts of employers to ensure work force stability.

Regardless of its duration, any strike causes disruption to our productive capacity. If employers who are faced with unreasonable demands from a union cannot consider hiring permanent replacements, even as a last resort, many businesses will be faced with a Hobson's choice of either closing down altogether, or agreeing to the potentially outrageous demands that will affect their ability to compete in the market place. Either choice will have devastating economic effects on the employees, their families, the owners, and the communities in which they live. And, as this country prepares to face the ongoing global economic wars, that is a result that we can ill afford.

Given these economic considerations, the contention made by proponents of the bill, that enactment will somehow enhance U.S. competitiveness, is perplexing. How can providing an unfair advantage to one party at the bargaining table improve workplace productivity? To the contrary, the result will be shrinking profitability, investment, and ultimately, jobs.

If this Nation is going to succeed in the new global economy, labor and management must work together.

BALANCE OF INTEREST

Many do not understand the legal underpinnings of labor-management relations and the importance of the balance of power at the negotiating table. To maintain that balance of power, we must also maintain the balance of risks. This was the basis for the Supreme Court precedent established over five decades ago.

The right of the American worker to strike is guaranteed in the National Labor Relations Act of 1935. In 1938, the U.S. Supreme Court issued the MacKay doctrine which further defined strikes into one of two categories. In the case of an unfair labor practice strike, a strike is called in response to illegal labor practices committed by the employer. Striking employees are entitled to immediate reinstatement at the end of the strike. In contrast, employees participating in an economic strike do so in an effort to recognize economic gains including higher wages and broader benefits. Because they do not strike to protest an employer's illegal action, they may be replaced with permanent workers. Once the strike has ended, they must be offered a similar position as it becomes available. This has been the basis and balance of U.S. labor law for over 50 years.

In short, the right of employers to maintain operations during an economic strike by hiring permanent replacement workers did not evolve in the off-hand manner the proponents of H.R. 5 would have one believe. Employers understood that to retain that right prior to the passage of the National Labor Relations Act, and in numerous cases since the 1938 decision, the Supreme Court has reaffirmed the MacKay doctrine. Further, subsequent case law and legislative developments related to the rights of both replacement workers and economic strikers have started from the premise of the per se legality of permanent replacement.

INCIDENCE OF REPLACEMENTS

Proponents of H.R. 5 have claimed that the use of permanent replacement workers has exploded since the dismissal of the air traffic controllers by President Reagan in 1981. Some have gone so far as to accuse employers of deliberately forcing strikes in order to bust the union by hiring permanent replacements. Unfortunately, these contentions ignore both the facts surrounding the PATCO firings, as well as the incidence of permanent replacement hirings since the early 1980's.

First, the PATCO strike neither had, nor has, anything to do with striker replacement in the private sector, either under the National Labor Relations Act or under the Railway Labor Act.

PATCO involved the public Federal sector under the Federal Service Labor-Management Relation Statute, chapter 71, of title 5, United States Code, enacted in 1978. That statute, supported by the Federal sector unions, declared that striking against the U.S. Government was illegal and required the firing of Federal employees who engage in a strike. The PATCO strikers were fired under Federal law—they were not replaced—and new employees were hired, consistent with that statute. Remember, the air traffic controllers were given numerous opportunities to retain their jobs but refused to do so in the face of reality.

In addition, the General Accounting Office, in a study actually commissioned by the proponents of H.R. 5, concluded that permanent replacements were used in only 17 percent of strikes in 1985 and 1989, and that only 4 percent of all workers who were permanently replaced during this time period were not reinstated in comparable positions at the strike's end.

It is ironic that proponents of H.R. 5 would attempt to further their cause by exaggerating the incidence of permanent replacement hirings. In fact, it is H.R. 5 and the resulting imbalance it will create in our collective bargaining system, that will cause more strikes. By denying employers the use of permanent replacements, even as a last resort, H.R. 5 would give labor little to lose in calling a strike, regardless of the issues or circumstances involved.

The MacKay doctrine simply provides a level playing field. It allows workers to use their best economic weapon, the strike, and allows employers to use their best economic weapon, hiring permanent replacement workers. Since both sides bear an economic risk from failing to reach an agreement at the bargaining table, the strike and permanent replacement weapons are meant to encourage both parties to resolve their differences.

IMPROVE CURRENT LAW

Clearly, current law can be improved to ensure more productive labor-management relations. However, the time and resources devoted to the striker replacement bill, by both the supporters and opponents alike, could be far better spent on securing meaningful improvements within the current framework of the National Labor Relations Act which seeks to maintain this balance of power at the bargaining table.

One place where Congress might start is in addressing case-processing delays at the National Labor Relations Board [NLRB]. At a minimum, these delays have done much to contribute to perceived injustices of employees in securing the otherwise fair and equitable

remedies available under current law. If current remedies for unfair labor practices by an employer were readily and speedily available to replaced workers, namely, immediate reinstatement and back pay, I do not believe we would be facing H.R. 5 as an issue of abiding concern to organized labor.

Accordingly, I believe Congress should consider necessary reforms so that the NLRB can carry out its intended mission. Possible limited areas of consideration should include, but not be limited to:

First, statutory changes to procedures for filling vacancies of the National Labor Relations Board members, and changes in the number of Board members if appropriate;

Second, changes in the number and functions of personnel at the Board;

Third, internal procedural changes within the NLRB to decrease or eliminate case-processing delays;

Fourth, appropriate increases in Federal funding for the Board and general counsel to carry out recommended reforms;

Fifth, changes to the National Labor Relations Act which will provide expedited relief for certain complaints and actions brought under the act.

The suggestion that legislation as bitterly divisive as the striker replacement bill will somehow bring workers and management together ignores the acrimony that has, for too long, permeated this issue. Moreover, it ignores the many new challenges posed by today's global economy; challenges that labor and management must face together. Instead of tampering with current law, we should be concentrating our efforts on how to make that law work even better; to provide labor and management with tools necessary to meet those challenges and to succeed, together.

To that end, the Clinton administration's establishment of a commission, comprised of several distinguished experts, to study the future of labor-management relations is encouraging. The commission's mission statement specifically called for a review of "what if any changes should be made in the present legal framework and practices of collective bargaining to enhance cooperative behavior, improve productivity, and reduce conflict and delay." Congress and the public would be well-served by such a study.

Therefore, it is only logical that the President's commission should be the forum for reviewing the issues and implications raised by legislation such as the striker replacement bill. Indeed, I have recommended on more than one occasion to Secretary of Labor Reich to include these issues on the commission's agenda. It is unfortunate that the administration has declined to include this issue on the commission's agenda. Instead, it has decided to support the striker replacement bill, legislation that will undermine the very goals the commission is seeking to promote.

The President should grant the commission the flexibility and latitude to consider all issues—including the use of striker replacements—that will help improve the American workplace. It is time to get the National Labor Relations Act working as intended. Such efforts will surely be welcomed by employees and employers alike.

CONCLUSION

If H.R. 5 were enacted, organized labor would have nothing to lose by going on strike, no matter how legitimate the issue, because they would be guaranteed their jobs back. As a result, employers' choice would be limited because of the inability to continue operations.

The consequences to the economic health of this country would be enormous, as strike activity increased and employers were forced to accede to unreasonable economic demands by labor, or risk going out of business.

The consequences will be dire not only for union employees, but for all employees of related businesses, and will have adverse effects on jobs, on investment and expansion, and on the communities whose economic health depend on the companies that will close down and move off shore.

If relations between labor and management are to improve in the future, they must be based on the common sense foundation of the National Labor Relations Act which must be enforced fairly to protect the rights of both employees and employers. Not coincidentally, it is the same foundation upon which American business must operate if it is to compete successfully in today's global economy. Congress, for its part, should seek ways of strengthening that foundation. The striker replacement bill is simply not one of them.

The debate surrounding H.R. 5 is powerful and emotional. However, it must be the facts, not the emotions, that guide the debate—and ultimately the defeat—of H.R. 5.

Mr. WILLIAMS. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. CLAY], a longstanding sponsor of this legislation.

Mr. CLAY. Mr. Chairman, I rise in support of H.R. 5, the Cesar Chavez Workplace Fairness Act, legislation I am proud to have sponsored. To permit the permanent replacement of striking workers is bad policy. It is a policy that discourages good faith bargaining. When exercising the right to strike is tantamount to being fired, employees have no leverage at the bargaining table and managers have no reason to consider seriously employee concerns. It is a policy that promotes labor disputes. Employers are encouraged to attempt to bust workers' unions by forcing labor disputes into the street. It is a policy that prolongs labor disputes when they occur. Even when other issues are settled, the refusal of employers to allow the return of striking workers precludes settlement. Finally, as we have witnessed in communities throughout this country, from Ajo, AZ to Jay, ME, from Spokane, WA, to Miami, FL, the permanent replacement of striking workers is a policy that destroys the fabric of our society. The emotions engendered as workers stand by, legally helpless, and watch others take their livelihood from them are severe and lasting.

H.R. 5 is a simple bill, providing only that employers may not reward replacement workers while punishing striking workers. It recognizes sweat, toil, and skill as investment in job security equal to the investment of inherited money.

H.R. 5 is necessary if we are to provide balance in labor-management relations. Enactment of this legislation will ensure that American workers have a meaningful right to strike. It will not guarantee that workers will prevail in those strikes. In fact, this legislation leaves intact a whole host of economic weapons available to employers. Employers retain the ability to use exempt employers, including supervisors and foremen, to perform the work of strikers. It leaves intact the ability of management to transfer work to other facilities or to subcontract work to other employers. It leaves intact the right of employers to lock-out bargaining unit employees. It leaves intact the ability of employers to hire temporary replacement workers. It does not alter the fact that while employers are free to stockpile goods in anticipation of a strike, workers remain dependant upon their paychecks to meet daily living expenses.

Let me tell you what is occurring in my district right now. The collective bargaining agreement between the meatcutters in the St. Louis area and three grocery store chains expired in early June. Negotiations for a new contract began earlier this spring. In those negotiations, the companies are seeking a contract that could effectively reduce the wages of meatcutters by $1.64 an hour or more, that will reduce the work available for meatcutters and permit management to substitute lower paid workers for the meatcutters, and that could effectively preclude any new hires from ever earning health or pension benefits.

Not surprisingly, the companies are apparently concerned that the excessive give-backs they are seeking from employees may prompt a labor dispute. In early may, they took steps to address this by not only writing to every member of local 88, but by writing to every organized employee, including those in other bargaining units. Specifically, the companies wrote to encourage union employees to cross local

88's picket lines, if events should come to that. In the correspondence, the companies advised workers that if any single company was struck, local 88 employees at the other companies would be locked out. The companies advised union members that there would be work for any union member who crossed the picket line. They went on to advise workers of their unrestricted right to resign from the union, stating to do so would eliminate any potential liability for having crossed the picket line. The companies advised employees that if they honored a picket line they would be liable for the full cost of their health benefits and could forfeit both health and pension coverage. Finally, they stated, and I quote, "The company will hire either permanent or temporary replacements for associates who choose to honor the picket line." On May 27, a week before the expiration of the contract, all three companies placed large advertisements in the St. Louis Post-Dispatch seeking temporary replacement workers.

If these companies succeed in forcing local 88 out on the picket line and carry out their threat to permanently replace any worker who honors that picket line, they will provoke a degree of strife that St. Louis has not seen since the civil rights movement and will create scars that will take years to heal. Such suffering is unnecessary and counterproductive to the whole thrust of our labor policy.

If our interest is to promote labor-management cooperation, we can no longer tolerate a policy that enables employers to convert a difference of opinion over wages into a battle as to whether workers shall even have a job. These companies have clearly outlined the risks workers must otherwise take if they strike. Workers are not compelled to honor picket lines; doing so imposes tremendous costs in terms of lost salary and benefits, and notwithstanding the hardships striking employees undertake, the employer may ultimately still prevail at the bargaining table. We can no longer tolerate a tactic that precludes the possibility of settling the strike at the bargaining table. We can no longer tolerate a practice that allows employers to unilaterally obliterate the right of employees to exercise a voice in the determination of their working conditions. We cannot afford a policy that involuntarily separates employees from jobs that many have held for 15 and 20 years. It is insanity to continue to permit a practice that creates hostilities within our communities for years to come.

The chief opposition to this bill has nothing to do with the balance of labor-management relations. It is concerned solely and exclusively with preserving a policy that gives favoritism to those who exploit the labor of honest, decent workers. Since 1981, more than 300,000 Americans have been permanently replaced for exercising their legally protected right to strike; 60 years of industrial history prove the fallacy of the contention that employers resort to permanent replacements out of economic necessity. Our major trading partners, our most aggressive competitors—Canada, France, Germany, Japan—all expressly prohibit the permanent replacement of strikers. All of the newly restored democracies of Eastern Europe prohibited the permanent replacement of strikers. Surely American workers deserve no less.

The opponents of this legislation are essentially contending that we must guarantee the ability of one side—management—to win a strike. They argue that we should protect the right of an employer to veto the decision of a worker to be represented by a union. But our obligation should be to ensure a fair and equitable balance. Our obligation should be to protect the right of all Americans to exercise a voice in the determination of their working conditions. Our obligation is to promote the settlement of labor disputes, rather than allowing them to be turned to a war of survival.

H.R. 5 provides incentives to bargain in good faith. This bill encourages the settlement of labor disputes at the bargaining table and not in the streets. Failure to pass this bill and to protect the right to strike makes a mockery of workers' rights to engage in collective bargaining.

It is time to put an end to the counterproductive and unfair practice of firing those who merely seek to protect or improve their wages and working conditions.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I rise today to express my strong opposition to H.R. 5.

Yes, there have been identifiable abuses by employers of their legal right to hire replacement workers during economic strikes. The plain truth, however, is that these cases are the exception rather than the rule itself, and this rule today penalizes all employers.

□ 1340

Only in very rare circumstances will an employer faced with a strike and with a need to maintain operations decide to hire permanent replacement workers. In fact, the General Accounting Office [GAO] found that only 17 percent of strikes in 1985 and 1989 involved replacement workers, with only 3 to 4 percent of strikers being permanently replaced.

This legislation will undermine the balance in the collective bargaining process and, in the long run, foment increased labor-management conflict and costly strikes. The right of employers to hire permanent replacement workers has long been the counterbalance to the right of employees to strike in the labor-management relations design contemplated by the National Labor Relations Act.

The balance of power which serves as the foundation of the NLRA compels each side to the bargaining table to negotiate an agreement that is fair to both the employers and employees. This legislation would take away management's economic leverage, while leaving labor with a completely unfettered ability to exercise its right to strike.

H.R. 5 will cost jobs, not secure them. We should be focusing our attention on the need to address unfair labor practices, and on the need to address expediting the process of the National Labor Relations Board. We should not be pushing legislation which will accomplish nothing but economic disruptions to our productive capacity in an increasingly competitive global economy.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman, over 50 years ago this Congress passed an act allowing workers to join together and negotiate the conditions of their employment with their employer, the conditions meaning retirements benefits, the hours they would work, the safety conditions under which they would work, and, yes, their wages.

For over 40 years we recognized that right to organize together and negotiate together with your employer as the right that you would have to continue working once the labor negotiations were concluded. For 40 years that worked.

Approximately 12 years ago we seemed to change the philosophy in this country by saying that if you chose as a result of those negotiations that you could not get together and the employee found it necessary to walk off the job in protest, then that employee can be fired and permanently replaced by someone else.

Let us look at what this proposed legislation actually does. It merely says that if workers have joined together and they must be recognized as a bargaining unit, that if they negotiate and fail to consummate those negotiations within a period of time, the employer may, temporarily, continue his operation with supervisory personnel and temporary workers. He may continue his operation.

The employees then must find it necessary to go out of the plant, yes, on a work stoppage. The employee suffers because his pay stops. The employer does not suffer, because he may continue his operations with temporary employment as negotiations continue.

This is a fair balance. If we then take away the right of the employee to return to his place of work when the negotiations cease, where is the fairness? There is no balance.

Mr. Chairman, that is all we are striving to see, is a balance between their right to negotiate.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, unions complain about NAFTA and its effect in sending jobs overseas. Stop and think what H.R. 5 will do to job creation.

Would a small business expand in this country with all of our great restrictions, including this hindrance here? Would he expand his operation? I doubt it.

People wonder why no job creation has occurred coming out of this recession. Well, if you count all the government mandates and restrictions that this Congress has passed, you will find that they add something like 30 to 50 percent of the actual labor cost.

So a business has the choice of paying time and a half, that is 1½ times wages, or hiring new workers that will have to be insured and trained, and who will not be productive for some time. Good sense says no new hires; work overtime.

How about comparisons with the labor laws of other countries. It would be interesting to see the up or down vote by the leaders of organized labor on some of the other aspects of the labor relation laws of Great Britain, France, Germany, or the other nations whose ban on permanent replacement workers is so highly touted. Would organized labor favor multiunion representation of employees in the same work unit? This is the practice permitted in France, Italy, and Germany.

Would big labor accept a ban on any strike that is severe enough to grievously wound a company? This is the law in Germany.

Would big labor vote "yes" on a prohibition on strikes seeking union recognition? This is the current practice in the United Kingdom and Canada.

Mr. Speaker, let me tell you how this is going to affect business in this country. I will give you a few examples.

My company, Plastic Packaging, in Hickory, NC, is a converter of flexible packaging material, using high speed flexographic presses. It takes 3 years to train pressman to run the printing presses.

If this bill were to become law, these workers could walk off the job in an economic strike, and it would be impossible for me to find experienced workers to replace them. Most likely, I would have to close my doors, forcing about 150 other employees out of a job.

Or take the Timken Co. in Lincoln, NC. The Timken Co. has endured a few strikes in its 90-year history, and the company has never exercised the option to replace any striking workers. Despite its rare use, the possibility of strike replacements always plays a role at the bargaining table as a counterbalance to the union's threat to strike. The result is that the vast majority of negotiations are resolved without a strike.

If Congress enacted a striker replacement bill, labor unions would have an added incentive to impose a strike and prolong indefinitely a strike until management agreed to unions' demands.

Mr. Chairman, this is a terrible bill which deserves defeat.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KILDEE], a valued member of our committee and chairman of the Subcommittee on Elementary, Secondary, and Vocational Education.

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, during the committee consideration of this bill we kept hearing that there will be no equality of pain or sacrifice for the workers if this bill passes. But let me tell you this: In 1936 my father joined the UAW, at a time when he had to wear his union button under his collar so he would not be fired by the corporation.

In 1946, my dad went on strike for 111 days. Let me tell you, there will always be pain for the workers during strikes.

I was a junior in high school during those days, and the Kildee household really suffered in 1946. I and my classmates at St. Mary's School could not buy new clothes. Our neighborhood ate cornmeal mush more often. Many seniors could not order their class rings. Many house payments in that area of town were not made.

There is suffering. My mother is 93 years old, and that year, 1946, when she was 46 years old, was one of the most miserable of her life, almost as bad as during the peak of the Great Depression.

My dad's employer did not permanently replace him during that strike, but the pain was very, very real, and this bill will not eliminate the pain and suffering of the strikers.

My dad voted freely for that strike in 1946, and he never for a moment regretted that vote. It was a very important thing to raise the standard of living of workers in the city of Flint, MI.

He never regretted that vote. But during that strike there was much suffering, much suffering, and his family felt that suffering. And I am proud to this day of my father for voting for that strike.

This is not about a faceless union or a faceless management, this is about real people trying to secure justice.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. BOEHNER].

□ 1350

Mr. BOEHNER. Mr. Chairman, proponents of the strike maker bill claim the practice of hiring permanent replacement workers did not occur before the 1980's. They maintain this practice became commonplace only after President Reagan fired the striking air traffic controllers in 1981. If this statement is correct, then cases before the National Labor Relations Board should indicate a trend toward greater use of replacement workers during the 1980's.

The best way to measure the use of replacement workers by employers during the 1980's would be to find the number of cases before the NLRB that cite the MacKay decision. The MacKay decision determined the conditions under which employers can use replacement workers.

The employment policy foundation conducted a study of decisions made by the National Labor Relations Board, searching for references to the MacKay decision. They found over 500 cases that cited the MacKay decision. There is a reference to the MacKay decision every year between 1938 and 1987, with the exception of 1957. If replacements were used with greater frequency after 1981, there should be more references to the MacKay decision during the 1980's especially when compared to other decades.

According to this chart, the average number of references to the MacKay decision during the 1980's is about the same as other decades. Notice how the frequency of decisions citing MacKay is slightly lower than the 1970's. It is interesting to note the years with the most cases citing references to the MacKay decision were 1977 and 1980—when Jimmy Carter was President.

This chart proves that the use of replacement workers is no more common in the 1980's than it was in any other decade since the enactment of the National Labor Relations Act. It also proves that replacement workers are not a recent phenomenon. They have been used since the enactment of the National Labor Relations Act.

The issue with H.R. 5 is not replacement workers. By creating a new workplace right, and giving it to only union members, H.R. 5 is an attempt to give big labor a new organizing tool. Instead of calling H.R. 5 the strike replacement bill, I would name it the "Jurassic Park" labor bill. Big labor is a lumbering dinosaur doomed to extinction in a changing world economic environment. H.R. 5 creates a special habitat so they can live forever. Unfortunately, small business and job creation will be destroyed if these ancient creatures are allowed to dominate the economic landscape.

Mr. WILLIAMS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER], a member of the committee and the chairman of the Committee on Natural Resources.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding time to me.

I simply say that this bill is cast as an either/or. Somehow only manage-

ment can determine what is good for a company or its customers and/or its shareholders, as if the workers did not care whether or not a company went into bankruptcy, was not able to turn out a product that would be acceptable to the customers or care whether or not people were prepared to make an investment in that company. The days of either/or have gone by, and we know that. We know that from labor and we know that from management.

What this bill suggests is that both labor and management should have an equal say, an equal partnership in the destiny of that company, that, in fact, the corporate body encompasses more than just management and the shareholders, because the success of a company is attributable also to its workers, and that those workers, when they have legal and legitimate grievances, should be able to press those grievances as hard and as equally as the employer may be able to. And they should not be in a situation where they can be fired for undertaking a legal strike.

The issue is not whether or not there are MacKay decisions at the National Labor Relations Board. The issue is not whether or not there are replacement workers.

The issue is whether or not one can be fired for exercising a legal right that is guaranteed under the law. And the answer today is, they can. So it is not about the cases at the National Labor Relations Board. It is about the strikes that never took place. It is about the unilateral decisions made by corporations about the workplace, about the hours, wages and working conditions of workers and the strikers had no ability to enter into those negotiations on an equal basis with the employer.

This is about the dignity of workers. This is about recognizing that if American companies are going to survive in the 1990's, they are going to do it in partnership with their employees, that an employer is not going to be able to simply dictate what the future workplace will look like. That effort has been led by enlightened labor unions. That effort has been led by enlightened employers. And we see examples of it now throughout the entire American economic landscape.

Now, we still have, as the gentleman pointed out, some people who want to participate in a Jurassic Park mentality. We have employers that believe only they can make a decision about the future of that company or employees, but that is really not where this Nation is going.

This legislation encompasses the best of collective bargaining. This legislation encompasses the best of the balance between an employer and an employee and preserves those rights.

We all agree that there is a legal right to strike. We simply now want to say that one cannot be fired for exercising their rights under the law.

69-059 O—97 Vol. 139 (Pt. 9) 27

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, this Member rises in opposition to H.R. 5, the striker replacement bill.

This Member cannot support this legislation in its current form. The right to strike and the right to replace strikers are key elements in the procedures established in the current National Labor Relations Act. If indeed there is a problem with the balance of employer/worker rights—and this Member is not convinced that there is—the way to address it is not to remove the 50-year-old distinction between an unfair labor dispute and an economic strike. That is what H.R. 5 does.

Current law recognizes that economic self-help is an integral component of the collective bargaining process. Market forces are a key factor in determining the outcome of bargaining disputes. The rationale of the National Labor Relations Act is that an employer's ability to hire permanent replacement workers is the most reliable barometer of the legitimacy of the strikers' wage and benefit demands.

Further, Mr. Chairman, H.R. 5 would do little to increase the protection already available to striking workers. Under current law, returning strikers may not be discriminated against with regard to wages, benefits, seniority, or terms and conditions of employment. The use of replacement workers is already limited by several constraints. In 1990, the Bureau of National Affairs reported that replacements were used in only 14 percent of all strikes in the United States.

Mr. Chairman, H.R. 5 would increase the number of labor disputes, it would remove from the collective bargaining equation the key determining factor of market forces, and it would do precious little to augment current protections available to striking workers. This Member simply cannot support a bill with such negative ramifications and such little practical benefit to anyone, including potential striking workers.

Mr. Chairman, this Member urges his colleagues to vote against this detrimental legislation.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding time to me.

H.R. 5 should really be called the strike maker bill. By dramatically altering current labor law, it will upend the balance that has existed between labor and management for a half century and provide a wave of strikes that will disrupt the economy on a large scale. The Congress should have no illusions about what we are contemplating today. There is no other legislation before the House that is as threatening to our economy as H.R. 5.

For 50 years, we have enjoyed a carefully crafted balance in the bargaining power of business and labor. As both sides approach the bargaining table, each know that they have something to lose if they fail to reach an agreement and a strike results.

Employers know that a strike will severely disrupt their operations and possibly destroy their company's competitive position forever. Workers, on the other hand, know there is at least a chance the employer may be able to continue longer than they are prepared to accept.

As long as this balance exists, strikes are rare, and amicable labor-management relations are common. But H.R. 5 will destroy this balance.

By eliminating even the possibility that an employer will be able to hire replacements, it will radically shift the balance of power in favor of big labor and against management. Union leaders will able to call strikes for their demands, reasonable or unreasonable, with hardly a worry that the strike could fail.

The predictable result—it will not be higher wages and better benefits. It will fewer jobs and more automation. By this act, Congress will overprice American workers and force American companies to either export jobs or to increase the use of automation. We can't forget that we live in a global marketplace. Companies in the United States do not just compete against other U.S. companies; they compete against other companies in the world. This bill will give foreign competitors an advantage by causing labor costs to rise. Additionally, for the companies that are not able to escape by leaving the borders or using automation, the strikes they face will cause shortages and further contribute to a down turn in the economy. These unions demands will result in higher prices for the consumer and lessened demand for products.

We exist in a global economy. We must work with American companies to encourage them to create jobs and provide quality goods and services. H.R. 5 is antithetical to that objective. It will kill jobs, raise prices, and hurt the economy. Vote no on the strike-maker bill, vote no on H.R. 5.

Save yourself an embarrassment later on when this economy is severely handicapped by a spate of strikes across the country and a renewal of union violence during the strikes. Vote no and save yourself the embarrassment before your constituents.

□ 1400

Mr. WILLIAMS. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. KLINK], a valuable member of the committee.

Mr. KLINK. Mr. Chairman, I think everyone needs to realize when a strike occurs it is a sign of a failure. It is a

sign of a failure between the workers and it is a sign of a failure in the management or ownership of that company.

Under current law, if H.R. 5 is passed, the company still will be allowed to hire temporary replacement workers. They will still be able to continue to do business. But for the people who are on strike, there is no income. If anyone has ever known anyone or talked to someone who has been on strike, they know there is a feeling in the pit of their stomachs like when a relative dies or a marriage falls apart. it is not a happy time. It is not something that workers do frivolously because they want to force the company into a corner.

I have been a union negotiator. I have sat across the table from negotiators, hired guns, we called them, who would come in from out of town. They would sit there and they would stare you in the eye and say, "Unless you accept these concessions, we will hire replacement workers. You will all be on the street."

There is nothing that can cause more fear in the hearts and minds of workers and their families than to realize that they are worth no more than chattel, than property, that are to be bought and sold with a leveraged buyout every time a company changes hands.

H.R. 5 would give dignity to the workers, would allow the workers to, with that dignity and respect, be able to bring more dignity and respect to the workplace. I rise in strong support of H.R. 5.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to H.R. 5. This legislation is an attempt to unbalance the current parity of rights enjoyed by workers, labor unions, and employers which have been protected by the National Labor Relations Act [NLRA] since 1935.

In H.R. 5, unions are unbalancing the delicate balance between the rights of labor and management to suit their fancy, and political strength, despite the fact that unions only represent 11.5 percent of America's private work force.

The first effort to unbalance our collective-bargaining system is between the union, with its last resort right to strike, and management, with its last resorts right to hire permanent replacement workers. Under the NLRA, unions have had the right to strike and employers have had the right to replace striking workers in order to protect and continue their business operations. The strength of the current law is its deterrent effect—the union's threat of a strike is balanced by the employer's threat to hire permanent replacement workers. These counterbalancing weapons bring both parties to the table to work out an agreement, thus making the actual use of the rights to strike or hire permanent replacements steps of last resort.

H.R. 5 unravels this delicate balance by simply eliminating the right of employers to have their last resort, to hire permanent replacement workers. Thus, the most meaningful bargaining chip an employer has to balance off against a union's right to strike and close the employer's business is simply declared illegal. The fact that it has been an unquestioned right for 58 years and has been consistently upheld by the courts apparently means nothing to the union leaders who espouse H.R. 5.

The second effort to destroy the balance of our collective-bargaining system is between unions and their right to strike and workers, all workers, union or nonunion, and their right as a worker not to strike. The right not to strike is also guaranteed by the NLRA.

H.R. 5 trivializes the right not to strike by creating a new employment preference which grants returning strikers the right to bump nonstrikers and crossovers from their jobs. And how is this done? By making it illegal—an unfair labor practice—for an employer not to allow a returning striker with greater seniority to oust a nonstriker employee from his or her job.

Current law already prohibits employers from giving nonstrikers any type of employment preference, such as higher wages, increased benefits, et cetera. Current law also states that employers must give employment preferences to returning strikers after the strike is ended, in the form of job reinstatements for job vacancies, both for present and future vacancies. But the Supreme Court has specifically held, in the 1989 case of TWA versus the Independent Federation of Flight Attendants, that returning strikers have no right to bump nonstrikers out of their jobs.

In the TWA case, the Court pointed out that the flight attendant positions occupied by nonstrikers were not vacant. Such jobs, the Court advised were therefore not available for reinstatement by returning strikers after the strike had ended. The Court ended this comment by saying that to bump nonstrikers, "would have the effect of penalizing those who decided not to strike in order to benefit those who did." The Court added, "We see no reason why those employees who chose not to gamble on the success of the strike should suffer the consequences when the gamble proves unsuccessful."

In other words, if the employer is forced to penalize the nonstriker by taking away his job and giving it to a striker, what good is the exercise of the right not to strike, which is a guaranteed right of all workers in this land? The delicate balance between the right to strike and the right not to strike would be destroyed by H.R. 5. This is a new organizational tool for big labor to help them get back lost membership.

Mr. Chairman, all of the rights I have referred to—the right of the union to strike; the right of an employer to counter an economic strike by hiring permanent replacement workers, and, last but not least, the right of all workers—individual workers, whether union or nonunion, to exercise his or her right not to stike—all of these are last resort decisions which can bring about a great deal of controversy in the communities of America. But they all play their part in this Nation's collective bargaining process. They function now within a tension of delicate balances worked out over 50 years of labor-management negotiations. They are as valid today as ever and we should not allow this bill to abruptly upend them.

Mr. Chairman, not even Senator Wagner, the author of the NLRA, in the heydays of union power, could ever have hoped to have found a Congress which would pass and give to unions this one-two knockout punch set forth in H.R. 5. I urge my colleagues to vote against the measure and preserve the balance of rights in our current collective bargaining system.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. OWENS], the chairman of the Subcommittee on Select Education and Civil Rights of the Committee on Education and Labor.

Mr. OWENS. Mr. Chairman, I rise in strong support of H.R. 5. This bill is about the right to strike, the right to strike without any tricks built in, a 100-percent right to strike, the kind of right to strike that they have in most of the industrialized nations.

This is the beginning of the reestablishment in the United States of standards which we must build on. There is already a gross imbalance in terms of the advantages enjoyed by the bosses, the entrepreneurs, and manufacturers versus the workers. There is a gross imbalance because they look for cheap labor all over the world.

In our labor market the workers have to compete with those cheap labor markets all over the world. We are going to have to establish some standards somewhere. Instead of looking to China with its prison labor and its controlled labor force, or looking to Mexico, with its poverty labor force, we should look to the rest of the industrialized nations, set standards which bring our standards in line with theirs, and fight for a new kind of worker rights for the rest of the world.

Workers need rights, and among those rights has to be the right to strike, the right to certain conditions, and the next step should be we should

insist that our Nation will never trade with a nation that does not offer worker rights.

A set of worker rights would protect the jobs of the workers here in America. Only those nations that have similar rights for workers should be allowed to compete with us, and only those nations that have similar rights for workers should be allowed to trade with us. That is where we are headed. That is where we are going to end up.

Everybody who is now not an owner of a factory, who is now not a boss, must stop and consider the fact that they will end up as workers. A lot of college professors, a lot of scientists, a lot of engineers, they are going to be workers, too.

Mr. GOODLING. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I was glad for the comments of the gentleman from Illinois [Mr. FAWELL], because he brought us back to reality. He started talking about what is actually in the legislation at the present time, what the law really is.

Allowing permanent replacement workers is not the same as allowing an employer to fire an employee for engaging in a lawful strike, and my opposition to H.R. 5 is not tantamount to a sanction of union busting. I support wholeheartedly the protections in the current law that are extended to economic strikers and would oppose further infringement on the lawful exercise of the right to strike. Among these statutory protections are the fact that economic strikers remain statutory employees eligible for recall until they obtain regular and substantially equivalent employment and they remain eligible to vote in union elections for 12 months. Employers are prohibited from engaging in surface bargaining to instigate a strike so nonunion replacement workers can be hired. Likewise, employers may not grant additional benefits to either temporary or permanent replacement workers nor may they presume that replacement workers do not support the union for purposes of their duty to bargain. That is what the law is presently. It has worked well for 55 years. It needs some fine tuning, as I indicated when this came before us during the last session of Congress, but we should not be throwing out the entire legislative process that has worked so well and all of a sudden substitute something totally new.

In talking to my labor people back home, the big fine tuning that they see is necessary is to get the National Labor Relations Board to make decisions promptly on unfair labor practices, but this is a mass rewriting of the law. If we need a mass rewriting, then certainly we should wait for the Secretary's Commission that he has for labor law reform.

I am not arguing, as I said, that it is perfect. I have indicated in the past that it may be 51 to 49, 52 to 48 in favor of management. However, the legislation before us changes that totally in that it is now 75 percent labor to 25 percent management.

□ 1410

At a time when everyone says we want to make sure that we get more people working, we want the economy to recover, we keep bringing legislation over and over again that has the opposite effect. We are in a very competitive world. What we did in the 1950's, 1960's, and 1970's will not serve us well in the 21st century.

If we cannot get labor, management, and government working hand-and-glove, as they do in many other countries, we are not going to be the successful Nation we are presently. This legislation will drive us in the opposite direction.

In fact, I do not hear the President running around encouraging people to pass this legislation. He says he will sign it, but he has not encouraged anyone. He has not been pressuring anyone.

Let us take time if we are going to make major changes in this legislation, folks, and let us not precipitously do something we will be sorry for, and which will set us back dramatically in labor relations, and also in our economic recovery and improvement.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MARTINEZ], a member of the committee and chairman of the Subcommittee on Human Resources.

Mr. MARTINEZ. Mr. Chairman, I rise today in support of the Cesar Chavez Workplace Fairness Act.

As the owner and operator of a small business for over two decades, I know firsthand the problems of successfully running a profitable business.

I know what it is like to compete with companies that are continually trying to cut corners by shortchanging its workers.

My colleagues on the other side of the aisle claim that this bill will upset the balance of power between labor and management that was originally created through the enactment of the National Labor Relations Act and the 1938 Supreme Court decision in MacKay Radio and Telegraph Co. verses the National Labor Relations Board.

But to believe this argument you would have to assume that:

Labor-management relations have not changed during the last 50 years;

The ability of workers to earn a decent living in a good job has not changed in 50 years;

The Federal Government has dealt equitably with labor in the last 50 years; and

Management has negotiated in good faith during the last 50 years.

These—of course—are false assumptions. Anyone who has picked up a newspaper in the last 50 years knows that this so-called balance of power is a contradiction in terms.

In 1981 the Reagan administration set the tone for labor-management relations for the 1980's by permanently replacing striking members of the PATCO air controllers union.

But the PATCO strike was just the tip of the iceberg. The well known GAO study on striker replacement found that in the 1980's employers raised the threat of permanently replacing strikers in one-third of all collective bargaining negotiation.

In cases where the employers have hired permanent replacements, what would have otherwise been a temporary interruption in the labor-management relationship, turn into full scale wars that are harmful to workers, harmful to their communities, and is even harmful to management. After an employer has hired a permanent replacement, it has little incentive to develop any compromise to break the strike.

America too will be harmed if this imbalance of power continues to grow. Our Nation cannot build the strong foundation for sustainable economic growth without the restoration of workplace fairness.

For that reason, I urge my colleagues to restore fairness in labor-management relations by supporting H.R. 5.

Mrs. ROUKEMA. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, I rise today in opposition to H.R. 5, the striker replacement legislation.

I wish to discuss an impact of this legislation that the proponents have overlooked. Industries that rely on multiemployer worksites such as the construction industry would face serious economic disruption if this legislation became law.

According to the Associated General Contractors of America, representing over 33,000 construction employers, the vast majority of construction projects require multiple employers. For instance, to build a small fast food restaurant requires a general contractor, a masonary contractor, an electrical contractor, a plumbing contractor, a heating and cooling contractor, a roofing contractor, and other speciality contractors. In addition to these contractors, there are multitudes of construction suppliers ensuring that the proper materials arrive at the project at the appropriate phase of construction. Each of the partners on the construction project have determined which collective bargaining status works best for them. Likely, some are open shop while others have collective bargaining agreements.

While to you and I and the general public, a construction project may look

like disorganized chaos, there is indeed a well orchestrated plan in progress. To build even a small fast food restaurant requires that foundations, walls, fixtures, and the roofs be assembled at the precise phase of construction. Concrete pours must be done at the correct time or the material is wasted.

This legislation promotes labor strife, strikes, and work stoppages. In the construction industry, each member of the construction project team is dependent upon the other to perform their functions as smoothly, professionally, and efficiently as possible. If any member of the construction team is involved in a labor dispute, all of the members of the construction team, regardless of their labor policy, are held hostage.

In the construction industry, where failure to meet completion deadlines often carries financial penalties, contractors may have no choice but to hire new workers when their employees walk out and refuse to work. Additionally, the short construction season found in many parts of the country makes it essential that construction contractors have the option to hire new workers to complete construction projects before the weather becomes uncooperative. It is the contractor's right to maintain operations during the course of an economic strike that this legislation would deny.

This legislation would introduce an unfair element into the existing balance of labor-management relations that would be particularly hard felt by the construction industry. A contractor's right to hire permanent striker replacements is one of the few mechanisms available to maintain an incentive for unions to resolve labor disputes. Without this essential option, unions would be given controlling power in all bargaining situations, even controlling power over workers not affiliated with the unions.

Unions are frequently in a position to sustain an economic strike longer than an employer. With financial penalties for failure to meet project completion deadlines, construction employers must find ways to continue operations. If a union has no incentive to settle a labor dispute because its members' jobs are secure while the employer and open shop employees are in severe financial jeopardy, a construction contractor will be forced to capitulate to the union's demands—no matter how outlandish or ridiculous they might be.

As I am sure my colleagues can understand, the construction industry strongly opposes this legislation. Current law adequately protects strikers in situations where their positions may be jeopardized by unfair labor practices. H.R. 5 would fundamentally alter the carefully crafted balance between labor and management which is essential to effective and fair collective bargaining. I urge this body to oppose the strike bill.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the third-term gentlewoman from Washington [Mrs. UNSOELD], a member of our committee.

Mrs. UNSOELD. Mr. Chairman, men and women of this country went through a bloody period in our history as workers fought for conditions at work, for hours of work, for decent pay. The country gave them a commitment for organized workers to have the right to strike. An obscure court decision more than 50 years ago, little observed, has upset the balance that took place where both sides had about equal incentives to go back to the bargaining table. Workers would be without salaries and companies would be without the benefit of that labor and, hence, would lose their profits.

We hear cries that oh, if we pass this legislation to ban the permanent replacement of strikers, that there will be so many more strikes. Mr. Chairman, we have just seen the conclusion of the Greyhound strike, 39 months, which was probably prolonged for this very reason, over the issue of permanent replacement. Greyhound had the replacements before the strike began.

In my own district, Thunderbird Red Lion had about 35 workers, who were mostly single mothers, who lost their jobs when the employer wanted to take away their health benefits and they were permanently replaced. Right now, the Alaskan Air Line flight attendants are looking at the possibility, having had no increase in salary, no negotiated increase in salary in 6 years, are being threatened with being replaced if they now strike.

Mr. Chairman. I rise in strong support of H.R. 5, the Cesar Chavez Workplace Fairness Act. Enactment of this important legislation would be a fitting tribute to the memory of a man who dedicated his life to the struggle of working men and women for a decent wage and a clean and safe workplace.

The National Labor Relations Act of 1935 and the Railway Labor Act of 1926 are intended to provide the framework for the collective bargaining process, and to do so in a neutral fashion intended to ensure that both management and labor see resolution of their differences to be in their best interest. Strikes hurt management because they disrupt business or production. Strikes hurt labor because their members depend on their salaries to feed and clothe their families.

This legislation is coming before this body today because the balance between business and labor has become skewed. While the right of employers to hire permanent replacements was enshrined in the 1938 Supreme Court case of NLRB verses MacKay Radio, until recent years few employers have seen it to be in their best interest to exercise that option. Strikes no doubt create some hard feelings that may take some time to heal, but trained and experienced workers are able to quickly return a business to the smooth and profitable operations that existed prior to the strike.

Unfortunately, one of the very ugly legacies of the greedy decade of the 1980's was the trend toward leveraged buyouts, with the drive for slashed costs and quick profits to pay off the high cost of the buyouts. Thousands upon thousands of American working men and women have seen their jobs disappear as greedy corporate executives moved to slash wages and benefits. Numerous profitable operations have been moved abroad to cheaper labor markets. Countless executives came to believe the climate had changed sufficiently to permit them to force organized labor out of their work forces. The right to hire permanent replacements suddenly became a tool toward that end. Employers found they could force organized labor to strike and then use that strike as the opportunity to hire replacement workers, who then could vote to decertify the union. While labor decertification is no doubt not the intention of every employer who hired permanent replacements, the difference means little to those working men and women who have depended on that job for their livelihood.

Some of my colleagues have made mention of some of the well-known cases where permanent replacements have been hired in bitter labor disputes in recent years—cases like Greyhound, Phelps Dodge, International Paper, and Continental and Eastern Airlines—the Greyhound strike lasted 39 months, ending only recently. I am told that that strike would have ended much sooner had not the employer hired permanent replacement drivers.

I would like to take a few moments to cite some examples from my own home State of Washington. In my own district, in Kelso-Longview, members of the Hotel and Restaurant Workers struck the Red Lion Inn over management's announced intention to terminate health benefits. The workers went on strike right before Christmas and the employer immediately moved to hire permanent replacements. Sixty-three employees struck, some three-quarters of them being female, and most being single mothers. While a settlement of sorts was reached, the vast majority of the hired permanent replacements have kept those jobs and the employer has terminated the health plan and a subsequent vote to decertify the union was successful. These workers lost their jobs in a community already reeling from a timber crisis that has created high unemployment, making their chances of finding other employment slim.

A current compelling example of the need for enacting this important legislation can be found in the ongoing labor dispute between the Association of Flight Attendants and Alaska Airlines. They have been negotiating over a new contract for 3 years, the last 1½ in mediation. A 30-day cooling off period is scheduled to end at midnight Friday. If this legislation had been enacted into law the flight attendants would most likely then engage in a traditional strike, lengthy negotiations having failed. However, because of the very real threat of losing their jobs to permanent replacements, they are instead going to have to engage in selective sudden strikes that may last only 1 or 2 days and on only certain routes.

Almost 2 years ago, this body passed the identical legislation to that we have before us today, only to see the legislation die in the

other body. The need for this legislation is no less compelling today. I urge my colleagues in the strongest possible terms to pass H.R. 5. Let us return the intended balance between the forces of management and labor. Let us act to ensure that working men and women will not live in fear that they will lose their jobs by exercising their legal right to strike over economic issues.

Mrs. ROUKEMA. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, as has been stated so often in recent months, here we go again. In this instance, Washington is going to create jobs.

Come on. Give me a break. People in Government, especially those who have made Congress a career, know little about creating jobs, especially in the private sector. Remember that the great efforts of Congress over the last number of years to create jobs has created a country where we have more people working in Government than we have making things or working in the manufacturing sector. It is any wonder that we are having trouble competing on a global basis?

Having recently come from the private sector, working for a company that grew and prospered, I can tell Members that business felt the long arm of Government reaching out and trying to hold it back.

□ 1420

Let me give you some examples: The Civil Rights Act of 1991 adds punitive and compensatory damages to the plaintiff's lawyer's arsenal. The result? Businesses now need to make larger investments in defensive activities.

This great piece of legislation which we passed 4 months ago, the Family and Medical Leave Act, our dealing with this issue in terms of its relationship to the business community and employees borders on the irresponsible. It took Government 4 months to develop these regulations, 93 pages of legalese. Business have 2 months to implement. By the way, these are interim regulations.

Businesses are going to have to change again, because we really do not know what we want businesses to do. That is why we have to take a look at H.R. 5, not by itself, but as another load that we are putting on the back of businesses. Soon we will reform OSHA, and we will tell business how to form employee-management relations.

The bottom line is that what we are doing here in Washington kills jobs in the United States. We are creating them in Japan, Korea, Mexico, and Europe.

The Joint Economic Committee estimates that, in 1992, we are spending $130 billion more on regulatory enforcement than what we spent in 1990; 2.2 million jobs were lost from 1990 to 1992 because of the changes that we have made.

Now, we add the striker maker bill to this load.

I would like to quote from a former Senator, George McGovern, who went into business and went bankrupt:

I wish that during the years I was in public office I had this firsthand experience about the difficulties business people face every day. My business associates and I lived with the Federal, State, and local rules that we all passed.

Final comment, "Wisdom too often never comes." I would hope that in this case, for my colleagues on the other side of the aisle, that it comes and we will not regret it because it comes too late.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK], another member of the committee.

Mrs. MINK. Mr. Chairman, the issue facing the House of Representatives today is a very simply and basic issue, and that is whether, as an institution here representing the workers all across the country, we understand the fundamental right that was extended to workers throughout this Nation by the enactment of the National Labor Relations Act. That act put to rest the undeniable principle that workers had a right to come together, to collectively bargain, to discuss issues of concern about their working conditions, about the just rewards that they felt they were entitled to receive as a part of a company. That is what is at issue here today, the reinstatement of rights and privileges of workers across this country that have been systematically denied them in repudiation of the NLRB through courts' decisions and through other acts in industry itself.

This Congress cannot turn its back against an enactment over 50 years ago.

There is an issue here of a simple definition. What do we mean by permanently replace? There is no other definition except firing. When you permanently replace someone, you fire them. You deny them the right to go back to work, and a cardinal principle and policy of the NLRB was to say that workers could come together, collectively bargain, and if there was a dispute between employer and workers, that could not be resolved, that they could deny their labor to the employer and go on strike, and under those conditions, they should not be fired.

If you allow the employers to fire these workers by permanently replacing them, all you are doing is saying that the ultimate power and weapon of the worker has been stripped.

So, my friends, I hope that you will support H.R. 5 and give the working people of America strong endorsement of this basic principle.

Mr. Chairman, I rise today in strong support of the Cesar Chavez Workplace Fairness Act, which seeks to restore fundamental justice to workers who stand up for better wages, health insurance, and working conditions.

Over 50 years ago, we guaranteed workers who came together as a union the right to strike for better wages and economic conditions. This law, the National Labor Relations Act also protects workers from being fired for legally engaging in a strike.

This law, the very foundation upon which the balance between labor and management rests, is being eroded by the use of a loophole, which allows striking workers to be permanently replaced.

This loophole, known as the MacKay doctrine, has undermined the collective bargaining process by giving management an unfair advantage over labor. With the threat of losing their jobs if they strike for economic reasons, labor has little or no leverage in the bargaining process.

When Congress passed the National Labor Relations Act in 1935, also known as the Wagner Act, it guaranteed the right of workers to organize, bargain collectively, and strike if necessary. The act also makes it illegal for companies to interfere with these rights.

However, not long after passage of the act, a Supreme Court decision in 1938 seriously undermined a union's right to strike. In this case *NLBR versus MacKay Radio and Telegraph Co.*, the Court ruled that employers could not discriminate against a worker engaged in a legal strike. However, the Court also said that an employer could permanently replace that worker.

Ironically, the language of MacKay Radio permitting permanent replacements, was not a actual ruling, but merely part of the Court's discussion, in what is known as dicta. However, that language has come to be accepted as it were a ruling.

In the first 40 years after MacKay Radio, permanent replacement workers were rarely used. Most employers recognized that productivity normally depends upon a long-term, stable, and skilled work force and on employee morale, all of which are sacrificed through the hiring of permanent replacements.

Today, that has changed. With a corporate climate of mergers, leveraged buyouts, chapter 11 bankruptcies—the worker is just another chip in the market. Employers are more interested in short-term profits rather than the long-term stability of the labor force.

In 1989, the Supreme Court reaffirmed and extended the ability of employers to permanently replace striking workers in Trans World Airlines versus Independent Federation of Flight Attendants. In this case the Supreme Court applied the MacKay doctrine to workers protected under the Railway Labor Act and held that not only newly hired replacements, but also members of the bargaining unit, who crossed the picket lines were entitled to preference over more senior strikers.

The result has been that thousands of workers across the country have been forced out of jobs for legally participating in an economic strike: 3,500 Continental Airline pilots, machinists, and flight attendants in 1983; 2,400 workers from 13 unions at Phelps Dodge in 1983; 1,300 members of the Molders union at Magic Chef in Cleveland, TN, in 1983; 1,000 printers, mailers, and pressmen at the Chicago Tribune in 1985; 1,100 UAW members at Colt Firearms in Hartford, CT, in 1986; 6,000 flight attendants at TWA in 1986; 340 paperworkers

at the Boise Cascade mill in Rumford, ME, in 1986; 2,500 paperworkers at the International Paper mills in Maine, Wisconsin, and Pennsylvania in 1988; and 30,000 Eastern Airline machinists, flight attendants, and pilots in 1989.

Isn't there hypocrisy in the state of the law today which says that it is unlawful to fire workers for going on strike for economic reasons, yet if they do go on strike, it could result in their jobs being permanently replaced?

I challenge anyone to talk to a former employee of Eastern Airlines, Greyhound, or the New York Post and ask them if there is a difference between being fired or being permanently replaced. My guess is that the answer will be "no, there is no difference." No matter if workers are fired or permanently replaced, they are still left with no jobs, no income to provide for their families, and the task of finding work in a tightening economy.

H.R. 5 will ensure that the working families of our Nation will not have to suffer the economic hardship, the humiliation, and the suffering caused by permanent replacement.

It will restore the balance between labor and management and give the working men and women equal footing in the collective bargaining process.

And most of all, H.R. 5 will restore pride and confidence of American workers.

I urge my colleagues to vote for H.R. 5, the Cesar Chavez Workplace Fairness Act, and restore the rights of American workers.

Mrs. ROUKEMA. Mr. Chairman, I would like to respond to the comment of my colleague from Washington, Mrs. UNSOELD, highlighting the Greyhound strike as evidence of why legislation to ban the hiring of permanent replacement workers is necessary.

First, I would make the point that the Greyhound strike involved charges of unfair labor practices, and where a strike is instigated or furthered by unfair labor practices committed by the employer, striking employees would have a right to immediate reinstatement at the conclusion of a strike. This right to reinstatement is provided by current law and I support this right.

I would add, however, that the Greyhound strike provides a perfect example of the need for reform of the case management processes at the National Labor Relations Board, an issue which I have long argued should be the focus of our debate on improving the collective bargaining process. The tentative agreement settling the Greyhound strike, over 3 long years after the admittedly very bitter strike began, requires Greyhound to pay $22 million in back wages to union drivers, recall 550 of the remaining strikers, reinstate most of the 200 strikers who were fired for alleged misconduct, and increase hourly pay for drivers to $16.55 per hour from $13.83 per hour by March 1998.

Whatever you think of the merits of this settlement, we all must agree that a 3-year delay in closing the book on one of the most hard fought labor-management disputes of this decade does not provide justice to either employers or employees. I will continue to press the need for NLRB reform and I urge my colleagues on both sides of the aisle to join this effort.

Mr. WILLIAMS. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I rise today in strong support of H.R. 5 and I commend Chairman FORD and Chairman DINGELL for their work to bring this very important bill to the floor.

There is no labor issue more vital to working men and women than the right to voice their grievances to management without the fear of losing their jobs.

The right to strike was won through the blood and sweat of the American labor movement generations ago. By firing and permanently replacing the air traffic controllers in 1981, Ronald Reagan set bad policy that has continued for more than 10 years. Thousands of workers, exercising their fundamental right to strike, have been fired and permanently replaced.

Mr. Chairman, this bill is our chance to restore fairness to worker-management relations and to halt the relentless attack on organized labor over the past 12 years. American working men and women have enough struggles without having to worry that they will lose their jobs and health care if they use their legal right to strike.

I urge my colleagues to strike a victory for working families and support H.R. 5.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in strong support of H.R. 5, the Cesar Chavez Workplace Fairness Act, a bill which is of utmost importance to me and to working citizens across the country.

This legislation is very important to working men and women in this country as it simply eliminates an irregularity in the law that makes it unlawful for employers to remove their employees engaged in a lawful economic strike, while permitting employers to permanently replace such employees. To be permanently replaced for exercising your statutory right as a worker is an outright injustice to working Americans—especially when they are exercising a right protected by law.

Second, Mr. Chairman, this bill is of paramount importance to working Americans because it further prohibits employers from giving any employment preference to a striking employee who crosses the picket line to return to work before the end of the strike. This measure thereby overturns the 1989 Supreme Court decision which has affected thousands of employees who at the end of a strike find that their jobs have been replaced by those who crossed the picket line as employers are allowed to give preference to them over senior employees who were simply exercising their working rights.

Mr. Chairman, H.R. 5 must be passed by the Congress to stop the decade-long practices of unscrupulous employers from taking advantage of a loophole in our labor laws to hire or threaten to hire permanent replacements. This threat has been used by employers so much in the past decade—according to a GAO report, was raised by employers in one third of all collective bargaining negotiations. I have been told that employers have come to view collective bargaining not as a means of negotiating wages and working conditions, but of recruiting a new work force or permanent replacements.

Contrary to opponents of this bill, this measure will not tilt the balance in labor relations unfairly toward workers. Passage of this bill will continue to affect workers who go on strike as they will continue to lose their paychecks—and employers will still continue to retain their many options to continue operations by hiring temporary replacement workers.

Finally, Mr. Chairman, this legislation will not apply to nonunion workplaces. I urge my colleagues to strongly support American workers by voting yes for H.R. 5.

Mr. WILLIAMS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. FORD], the chairman of the Committee on Education and Labor.

Mr. FORD of Michigan. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to take this opportunity to compliment the gentleman and his committee for the diligence with which they have pursued bringing this legislation back to the floor again.

I think that they were wise to bring us the same bill that we passed with 247 votes 2 years ago in this body, and without any attempt to change it, to either improve it or toughen it or do anything of the kind.

□ 1430

So anyone who within the sound of my voice who had been told that this bill is something different from the bill which 247 Members of the House voted on 2 years ago is totally wrong; they are misinformed. But it is easy to see what the misinformation is here.

I do not want to pick on my dear friend, the gentlewoman from New Jersey, because she is indeed my dear friend and a valued member of the committee. But when this bill was before the full committee, she may remember that I took a moment to ask unanimous consent to place in the RECORD the Supreme Court decision in the MacKay Radio case. I did this because I found as we discussed this issue that the MacKay Radio case is sort of like the Bible. When I hear people telling me what is in the Bible they often leave me with the impression that they never read it before they came to their conclusion. Something you ought to really understand is this—the parties never presented to the Court the question of permanent striker replace-

ments. Nobody briefed that question at the National Labor Relations Board, the Federal court system on the way to the Supreme Court, or in the Supreme Court.

It might come as a surprise to some of you who liked that decision that the MacKay Radio lost in the Supreme Court and was ordered not only to hire back all of the strikers he replaced, but to provide back pay for the five people that they tried not to take back. They were ultimately told to take them all back and pay the ones that they did not take back immediately back pay for the time they had off. So they not only got their jobs back, but they got more than they would have gotten by being rehired; they got what they would have been making at their other jobs plus the back pay.

Now, how does it happen that, if labor won that case all the way to the Supreme Court, 50 years later we have a problem with it? What happened was that, after the Supreme Court battered the poor MacKay Radio Co. around all over the place and systematically affirmed every step of the procedure that was twice before the National Labor Relations Board before it got into the courts, some clerk over there thought they ought to throw them a bone, and so they said in closing out the opinion, "But on the other hand, if the issue had been hiring people to replace the strikers so that MacKay could continue working, then we would not have approved of that."

That was the slender reed that hung out there for 50 years. And the real explanation for why it was not used all those years, the figures that we heard from Ohio to the contrary notwithstanding, was that labor relations lawyers did not trust the fact that if they got into trouble that slender reed was going to save them.

Mr. Chairman, H.R. 5, the Workplace Fairness Act, is long-overdue legislation intended to restore peace to the collective bargaining process, to ensure that labor-management negotiations do not descend into violence, and to allow working people, faced with the overwhelming stress of going on strike to defend their rights, to return to work when a settlement is reached.

This legislation responds to court decisions and changes in labor law that have tipped the balance against labor and effectively deprived workers of the right to strike, a right recognized by the National Labor Relations Act of 1935.

The NLRA replaced the law of the jungle, an era of street confrontations, goons and mass arrests, threats and violence. The act brought forth a new era of peaceable collective bargaining, an era that coincided with the flourishing of our economy and an enormous rise in our Nation's living standards.

But it was not long before the law began to chip away at the foundations of the NLRA. In one relatively insignifcant passage of its 1938 Mackay Radio decision, the Supreme Court held that employers had the right to hire temporary or permanent replacement workers during strikes. The ruling marked the legal beginning of a sad chapter in American labor-management relations, though for decades, few business owners even considered hiring replacements. They had good reasons.

They recognized their obligations to their communities, their employees and the long-term health of their companies. Employers and employees tended to be members of the same community. They shopped in many of the same stores and prayed together in the same churches. Their kids were in the Boy Scouts and Girl Scouts together.

Employers had seen that together with their employees, they had built the companies. They thought it was simply wrong to fire long-time employees over a temporary dispute. They knew hiring permanent replacements would cost them money—in training, bad morale, and bad publicity.

In the 1980's, this sense of mutual obligation disappeared for many companies. Again, there were several reasons. One was that Congress had enacted several important changes in labor law over the decades since the NLRA, changes that diminished unions' ability to enlist secondary strikers as additional leverage. Detrimental Supreme Court decisions over the last decade restricted labor and emboldened management.

Perhaps as important, company restructurings that were rampant during the 1980's buyout binge removed local ownership to some Wall Street banking house or distant conglomerate, where the new owners had never seen the plants of the businesses they were buying, only their balance sheets. The desire for profits—or just the need to maintain interest payments on their huge debt—eradicated any concern for the communities or for the businesses that had funtioned well and served particular markets.

The kicker was Ronald Reagan's firing of the air traffic controllers 12 years ago this summer, a shootout on Main Street that made him a kind of national hero. But it ushered in an era of strikebreaking not seen since the 1920's. But it ushered in an area of strikebreaking in which executives replaced constructive collective bargaining with a take-no-prisoners, win-lose approach.

As a result, several labor strikes resulted in high-profile, violent confrontations when management brought in replacement workers to take jobs away from long-time employees. Eastern Airlines, Greyhound, and Caterpillar hired replacements during strikes. Violence resulted from these disputes.

But the damage to the labor-management balance is not always so obvious as the near riots that occurred outside Caterpillar's Peoria, IL, plant or in Austin, MN, home of Hormel.

Opponents of the bill say few striking workers are replaced, and therefore no change is necessary. But that is misleading. The truth is that workers are being intimidated into agreeing to contract concessions when management starts training replacements even before the two sides go to the bargaining table. Workers are not replaced because they dare not strike.

In the long debate over this bill, opponents also have argued that this legislation would enable unions to call strikes at will, that their members can walk off the job with no risk, that workers will gain the upper hand if management cannot permanently replace them.

Anyone who has ever had a family member strike for their rights, who has endured the stress of a strike, who has had their living standards slashed because they were no longer getting a paycheck, knows that is a ridiculous argument.

Strikes are by nature fraught with risk and sacrifice in lost wages and peace of mind. They are called only as a last resort. But in the last decade, companies have lined up replacement workers as a first resort—to break unions.

It is no accident that this last decade of turbulent labor-management relations has coincided with stagnating income levels for America's great middle class. The gross contract concessions endured by workers is one of the factors in the failure of our living standards to sustain the growth rates of the 1940's, 1950's, and 1960's. Closing this loophole will, as the White House said in its statement of policy, "stimulate productivity and international competitiveness that are critical to our long-term economic strength."

Why? As Labor Secretary Robert Reich said, the Workplace Fairness Act "would foster the equilibrium and stability in industrial relations that are critical to the health of our economy. The sooner we conclude this chapter, the sooner we can turn our attention from the past and begin, together, to write the next chapter in our worker-management relations history."

Mr. Chairman, a lot of our colleagues have told me over the past few days that they are union supporters. It is time to demonstrate that. Not by supporting feel-good amendments that blur the issue, but by standing up for the right of working people to keep their jobs when a legal strike ends. Remember that labor unions represent actual people who, like everyone else, expect and deserve fair compensation for their efforts.

It is time to level the field. I urge my colleagues to vote for the bill.

Mr. GOODLING. Mr. Chairman, I yield an additional 2 minutes to the gentleman from Texas [Mr. STENHOLM].

And while he is walking over there, let me say that was the same decision that was also made in the Greyhound case.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to H.R. 5. Contrary to what sincere, well-intentioned supporters claim, this legislation represents a dramatic upheaval in the fundamental objectives of our labor law. H.R. 5 does not correct some recent loophold or finding, but radically changes the balance of power that has existed in labor laws for more than 50 years.

The National Labor Relations Act was never intended to protect job security or guarantee the outcome of strikes for either side. Instead, the purpose of our labor laws has always been to balance the legal rights of the two sides in a labor dispute. Employees

have the right to withhold their labor so that they may bargain from collective strength. To balance the offensive weapon of the right to strike, employers have the defensive weapon of continuing operations during a strike, which occasionally requires the hiring of permanent replacements. Under this balance, the two sides in a labor dispute tend to avoid striking and hiring replacements, except as a last resort. In fact, two GAO studies found that only 4 percent of striking workers are permanently replaced.

Clearly, the law now promotes resolving differences through negotiation and conciliation, rather than confrontation, because the risk of loss to both parties is so great that compromise is cheaper than economic strife. H.R. 5 would radically change this balance and virtually guarantee the outcome of strikes: employers would have little choice but to capitulate to union demands.

In addition to the direct impact that H.R. 5 will have on labor-management relations, this legislation will have serious ramifications for many people who may never see the picket line. For example, I am concerned about the consequences this legislation would have in the area of health care. By impairing the ability of hospitals to continue operations during a strike, this legislation could result in traumatic disruptions of health care services, reduced access to services, and increased costs to consumers and the Government.

The ripple effect caused when a business is forced to suspend operations during a strike will send shock waves throughout the economy far beyond the struck company. Employees of suppliers and other businesses related to the struck business, residents of nursing homes, farmers waiting for their goods to be delivered to market and their customers waiting to buy these products—all of these groups will be severely affected if we vote to impair the ability of industries to continue delivering their vital services during a strike.

Mr. Chairman, passing legislation that would fundamentally change labor laws so that the Federal Government chooses sides and guarantees the outcomes of labor disputes will have much greater ramifications than many Members realize. I urge my colleagues to consider these ramifications when they cast their vote on H.R. 5.

Mr. WILLIAMS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Cesar Chavez Workplace Fairness Act. Today, we honor my longtime friend and labor leader, Cesar Chavez, who tirelessly defended the rights of American farm laborers.

I ask my colleagues, in the spirit of the great labor leader Cesar Chavez, to vote in favor of a new era of peaceful and equitable resolution of labor disputes.

During the 1980's we saw the dissolution of the balance between labor and management. During the past decade we have seen that threats to replace striking workers permanently actually deters the process of collective bargaining, which is at the heart of any partnership. Our major trade competitors, including Japan and Germany, prohibit permanent replacement for strikers. To compete in the global market, the United States needs a stable and cooperative relationship between labor and management.

Today we can restore the balance and revive the core elements of the collective bargaining system by allowing American workers the right to strike without the risk of losing their jobs.

Mr. Chairman, today I honor Cesar Chavez and his lifelong fight for workplace fairness. I urge my colleagues to end this era marked by bitterness and mistrust, and vote in favor of the Cesar Chavez Workplace Fairness Act.

Mr. WILLIAMS. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman and my colleagues, let us understand something here: This bill is not about big labor; it is about little workers. It is about the rights of people who, when finally as a last resort, lose all their salary by withholding their labor; it is about their right to have a job when that strike has ended. It is about their families' right to keep their health care. It is about their right to keep their pension that they may have worked 40 years to earn.

This is not about creating a right to strike. Americans fought long and hard early in our history to get the legislation to legal right to withhold their labor and to strike.

Americans have that right. But what good is the right to strike if, when you do it, the boss fires you?

This bill is about the right to return to work. Surely every American in this country who exerts a legal right should be able to hold on to their job, at the very least. Those Members who are against this bill are for the boss firing anyone who would dare exercise their legal right to strike. Those Members who are against this bill are for workers in America losing their pensions and retirement. Those who are against this bill are for Americans losing their health care, for their children losing their health care, for their spouse losing their health care, simply because dad or mom, when all else was lost, when bargaining had finally come to an end, when as workers they had had it with the unfair labor practices of their employer, finally withheld their labor and went out on the picket line. They did not want to do it, they did it only as a last resort. But the question is should they then be fired?

The answer is, no, they should not be fired.

So this bill tries to level that field.

How would it be leveled? Because the law gives the employers the right to lock workers out, to deny them their salaries, to quit paying them their health care benefits, to jeopardize their retirement, to lock them out. And the law also says, and people have the right to strike and this bill would simply keep their job for them when that right is used.

□ 1440

The CHAIRMAN pro tempore (Mr. KLECZKA). All time for general debate for the Committee on Education and Labor has expired.

Pursuant to the rule, the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 15 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MINETA], the chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Chairman, I would like to commend the gentleman from Minnesota [Mr. OBERSTAR] for his leadership in bringing this legislation to the floor.

Mr. Chairman, I strongly support this important legislation to restore balance and fairness to the workplace. In recent years, the right to strike has been seriously undermined by employers who have refused to let striking workers return to their jobs after a strike has been settled and have filled their jobs with replacement workers.

When labor disputes arise, the only economic leverage workers possess is the right to strike. To permit the permanent replacement of striking workers is to effectively nullify workers' leverage and destroy the incentive employers have to negotiate labor disputes in good faith.

The Public Works and Transportation Committee has jurisdiction over the provisions in H.R. 5 amending the Railway Labor Act, which governs labor relations in the airline industry. The airline industry is a leading example of why we need H.R. 5 to restore balance in the workplace. In the airline industry, employers did not hire permanent replacements for strikers before 1981. In the 1980's airline industry management, which included the antiworker CEO's, Frank Lorenzo and Carl Icahn, escalated their tactics in labor disputes. Since 1981, there have been eight strikes in the airline industry and in five of these strikes permanent replacements were hired. The 5 strikes resulted in the hiring of more than 16,000 permanent replacements.

The hiring of these permanent replacements has had serious and long-lasting effects on the workers who exercised their right to strike. In the

Eastern Airlines strike for example, of the 6,000 flight attendants who went on strike, 4,500 had not been able to get their jobs back when the company shut down more than a year after the strike ended. In the strike by flight attendants at TWA, it took more than 3 years for the last striker to return to his or her job.

A balance of power in labor relations is key to our way of life. Our system of labor law encourages management and labor to reach agreements voluntarily through collective bargaining. To facilitate that process both management and labor are given economic weapons as leverage. Labor's main weapon is the right to strike if collective bargaining fails to produce agreement. Management's main weapon is the ability to impose its own wages and terms of employment if collective bargaining fails to produce agreement. Management did not, prior to 1981, rely to any significant extent on permanent replacement of strikers. That has not traditionally been part of the balance of power in labor relations in this country.

In the airline industry in particular, before 1981, there were no permanent replacements of strikers, and we did have a reasonable balance of power between labor and management. What this bill does is restore pre-1981 labor relations practices to the airline industry as well as other industries.

Opponents of this legislation argue that if it is passed, there will be frequent strikes in the airline industry. That argument has no basis in reality. Airline employees are well aware of the financial difficulties facing the industry. They know that a strike results in huge economic losses for an airline and that such losses could cause the demise of their company and the permanent loss of their jobs.

Strikes impose great emotional and economic hardship on workers and great strain on their families. Striking workers never recover the lost income and benefits they sustain during a strike. Regardless of whether there is the threat of permanent replacement, airline workers will always be eager to avoid strikes. Striking will continue to be a last resort. But if workers feel this desperate act is necessary, and if they are willing to incur the economic and emotional burdens that inevitably result, we should protect their right to strike without fear of permanent replacement.

The allegation that this legislation would lead to increased strikes is particularly without foundation in the airline and rail industries. Under the Railway Labor Act, strikes can only occur when the national mediation board releases the parties to self-help. Unions in these industries are not allowed to strike whenever they wish. Therefore, mediation, not striking is, and will continue to be, the focus of the labor disputes in these industries.

In my view, this legislation will act as a strong incentive to settle strikes when they do occur, since only after a strike is settled would striking employees have the right under the bill to return to their jobs.

In conclusion, I strongly support this bill to restore the balance between management and labor. We must protect the important right of airline employees to strike when collective bargaining has failed.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the collective bargaining process is alive and well. For over 50 years, labor and management have been able to negotiate wage and compensation packages that are both fair to the employee and helped keep our industries on a competitive footing.

This process has not been without significant pain. There have been cases where companies have chosen to disenfranchise segments of their work force, and in a couple of rare instances, entire work forces, in order to eliminate a union presence on their property, and that is flat out wrong.

Recent events in our economy are presumed to encourage employers to use replacement workers with increasing frequency. The LBO binge fostered by Wall Street during the 1980's left many companies saddled with huge debts, often forcing them to reduce their labor costs through whatever means available. In addition, we now find ourselves competing in a global economy, with huge dissimilarities in wage and material costs on a country-by-country basis.

It is my belief that these circumstances will no doubt result in serious and significant new labor/management negotiations here at home as our industries strive to compete against foreign-produced goods.

H.R. 5 is a misguided effort that is portrayed by its supporters as a means to even the playing field. To the contrary, this legislation will dramatically skew the collective bargaining process to the point that management and owners will struggle to survive, failures will increase, and jobs will permanently disappear.

H.R. 5, in my opinion, holds out a false promise of job security. If it is enacted, it will have the very opposite effect. It has the very real promise of throwing many employees out of work if labor costs escalate high enough to push the prices of goods and services beyond the reach of consumers. They will instead turn to foreign produced goods, and jobs will be lost.

Although I am strongly opposed to H.R. 5 in its present form, I find myself in some sympathy with its objectives because of the manner in which some in the air carrier industry have acquitted themselves during the last decade. There have been several well publicized instances where management has used replacement workers not as a bargaining weapon to negotiate contracts in good faith, but simply as a means to drive unions off of their property. Those efforts were seriously misguided, and in the end, the companies suffered dire financial harm.

Despite these rare episodes, the air carrier industry stands at the top of the American economy with a work force that is one of the most highly compensated. Indeed, their wages are the envy of many, yet air travel continues to thrive and I see no reason why employees should not share equally in the profits earned by their employers.

The prospect of H.R. 5 casts a pall on these achievements. I fear that the highly skilled work force needed to successfully operate an air carrier would use the new powers granted by this legislation to push ticket prices to a point that many people could no longer afford to travel. Jobs will be lost. The number of air carriers would shrink even further, resulting in a reduction in the purchase of goods and services from vendors, further damaging the economy.

Mr. Chairman, I regret the decision of our House leadership to promote H.R. 5 as a prolabor bill. In all sincerity, I believe this bill will harm industry, its employees, and ultimately, our economy.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Chairman, I rise in strong support of H.R. 5, the Cesar Chavez Workplace Fairness Act, and urge my colleagues to support this legislation that will restore equitable labor-management relationships and reaffirm our Nation's belief in the collective bargaining process.

At the end of the industrial revolution, both labor and management struck a delicate balance in their relations. The collective bargaining process established under the National Labor Relations Act and the Railway Labor Act, giving neither party an advantage in labor-management relations, set the standard in labor relations worldwide. Yet today, we have effectively undermined and abandoned the collective bargaining process and now see nations like Germany and Japan surpass us in industrial growth and competitiveness. As we have shifted the delicate negotiating balance from the center to the right, in direct support of business and management, we have damaged the American worker and our businesses. For example, our airline industry is a shell of its former self. During the 1980's alone, this industry was decimated by the Reagan dismissal of striking air traffic controllers, followed by five strikes where airlines permanently replaced striking

employees. This industry is arguably in worse shape today than it was before deregulation, because of the absurdity of relieving striking workers of their livelihoods.

The American people believe in the right to strike, because it is the last option available to the labor movement and our working people. Opponents of this legislation and the necessary balance between the labor movement and management at the bargaining table have tritely labeled this a Jurassic Park, urging that the end of equity in labor relations should follow the evolution of the dinosaur. When in fact, the real Jurassic Park here is the current labor imbalance.

Again, I urge my colleagues to support H.R. 5. Our working people deserve no less because they built our country, and they shall return us to our natural position of pre-imminence in the industrialized world. Let us demonstrate our commitment to them and reaffirm our belief in a fair collective bargaining process.

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. Chairman, as the economy gasps for air under the blanket of Federal regulation, we are about to consider yet another mandate to the heavy burden endured by American business.

The union-sponsored striker replacement bill will make manufacturing jobs virtually nonexistent in the United States. Ironically, these are the very same jobs the labor unions claim to protect. Its not enough that businesses have to contend with the EPA, FDA, HHS, and RTC. This bill adds the AFL–CIO to this murky alphabet soup of Government intervention.

Mr. Chairman, with this bill, how can we expect American industry to compete in the global marketplace?

A "no" vote on striker replacement is an automatic economic stimulus plan for the Nation. A "no" vote is a vote for American business.

□ 1450

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, in response to those who have expressed concerns about business I would like to talk about business because does anyone think that hiring replacement workers does anything for business? It is a short-term gain and long-term loss. Is Eastern better off because they hired permanent replacement workers? Is Greyhound better off because they hired permanent replacement workers? Or many of the other plants that we know about? And the reason is this:

In a labor dispute, Mr. Chairman, collective bargaining is tough enough on the issues of wages, health benefits, craft jurisdictions. That is pretty hard. But then we get down to the knottiest one of all: "What do you do about the replacement workers that were hired on a permanent basis, and now you want to bring the union members back?" That is the one that sticks it every time.

So, in my personal observation, having seen two plants 50 miles from each other both go out at the same time in labor dispute, one for 9 months and one for 20 months, the short-term one went out and was back because they did not hire. Management did not hire permanent replacement workers. Management did hire permanent replacement workers in the Pro Tractor strike. Smart management does not get into this situation because they know permanent replacement workers are real losers.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MICA], a member of the committee.

Mr. MICA. Mr. Chairman, let me say to my colleagues, you can call this the Cesar Chavez bill, you can call this the Tooth Fairy bill. I call this the job destruction bill.

This Congress is bound and determined to make America less competitive. This Congress has its mind made up to ship more jobs overseas. Last month our economy lost 65,000 manufacturing jobs. I urge my colleagues to ask themselves several questions before voting on this bill.

Will striker replacement make America more competitive? Will striker replacement encourage job creation? Will striker replacement encourage business development in the United States? Better yet, if you represent a heavily unionized State, will business and industry flock to your area with striker replacement? North Carolina has 5.2 percent of its work force unionized; New York has 29.2 percent of its work force belonging to unions. If you were to locate or expand a business or industry with striker replacement, in effect where would you invest?

Then what drives this Congress and its Members to enact a job destruction bill like striker replacement? With union membership only representing 11.5 percent of the private sector work force how can we even be considering such a job destruction piece of legislation? With over $41 million pouring into over 850 congressional campaigns in 1992, is that the reason? Maybe I should not have asked these questions.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Chairman, I heard somebody say that the law is working well today. Has anybody bothered to take a look at the statistics? I mean a person working today is making less money than they made in 1980, and yet prices have doubled. And they have kids at home alone because there is no breadwinner. The mother is out working; everybody is out working. The kids are watching the idiot box, and they are learning the wrong things, and why should they want to fire strikers at this point? After all, they struck for wages, for benefits, for safety and health, and their families have suffered economic hardships. They negotiate, and then they settle, and then my colleagues do not want them to have their jobs back.

Mr. Chairman, it does not make sense. Even Japan and Germany do not do that to their own people, and, if my colleagues have not seen this situation in their district, I hope to God that they never do because it is not a pretty sight.

Mr. Chairman, I know it is not in the Republican philosophy, but I would hope that they would at least sometime during their career take a look at the American worker.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS of Alabama. Mr. Chairman, the gentleman from Ohio [Mr. APPLEGATE] has mentioned Germany and Japan and the fact that our American workers must compete against Germany and Japan. In my district they not only compete against Germany and Japan, Mr. Chairman, but they compete against France and Italy, and let me tell my colleagues that the French, the Japanese, the Italians, and the Germans, they realize the cost of long strikes. They understand that the expense of a strike is factored into the cost of a product, and for that reason the Japanese, and the Germans, and the Italians, and the French, our competition, I say to the gentleman from Ohio, they limit the length of a strike. The Japanese and the Italians limit it to a matter of hours, instead of weeks or months.

The reason that I will be voting against the antistriker replacement bill is because I want our workers to have a chance in the open market, in the global market. I will be voting for Made in America, for American products, for American jobs, not to see those jobs go overseas, not to give our Japanese, German, French, and Italian competitors a leg up.

For that reason, Mr. Chairman, I want to urge all Members to vote against this antistriker bill and against giving the Japanese and the Germans an unfair advantage.

Mr. Chairman, there has also been a lot of talk this session about creating jobs. I am convinced that the key to the future of our country is the creation of more jobs and that the key to our prosperity and that of the American people lies in creating a strong economy and, therefore, more jobs in the private sector: Creating real jobs for real Americans. For that reason, I will be voting against the striker replacement bill.

If adopted, this striker replacement bill would certainly be bad news for the American

worker. The immediate impact of this bill would be an increase in strikes, certainly not something those of us who believe in creating more jobs would welcome. More strikes would lead to higher labor costs, higher unemployment, and a drop in the productivity of American industry. As the prices of American products go up, those products would become less competitive on the world market. American businesses would be left with only two options: Shutting down their businesses or moving those jobs overseas. In both cases, the losers again are the American workers.

One argument that proponents of this bill have tried to use in the case of striker replacement, and other issues, is the comparison with other countries. Organized labor and other supporters of the striker replacement bill would have us believe that the United States is alone in the world in permitting the use of replacement workers.

Well, what they don't tell you is there are several industrialized countries that allow employers to hire permanent replacement workers, including Australia, Hong Kong, Ireland, Norway, and the United Kingdom.

Another thing that they won't tell you is that strikes in countries like France, Italy, Germany, and Japan are severely limited. In fact, in Japan and Italy, strikes, by law, are only allowed to last a matter of hours, instead of weeks or months.

Our foreign competitors have realized that more strikes and longer strikes mean higher costs for their products and lower productivity for their workers. They know that higher costs and lower productivity mean that their products will be less competitive worldwide. That's why this bill is good news for our foreign competitors and bad news for American workers.

It would come as no surprise to those of us in this body that the combination of more strikes, higher labor costs, lower productivity, fewer exports, and more imports drive away American jobs. Our foreign competitors certainly know this. In today's global marketplace, American companies absolutely must control labor costs, or else go broke. For this reason, this bill makes no sense whatsoever.

Today, I will be voting for the concept of "made in America." I will be voting to keep American products competitive in the world market. I will be voting to encourage the creation of more jobs in America. I will be voting for the American worker and for American businesses.

At the same time, I will be voting against more strikes. I will be voting against higher costs for American products in the world market. I will be voting against giving our foreign competitors another advantage. I will be voting against fewer exports and more imports. I will be voting against creating jobs overseas at the expense of American jobs. For all of the above reasons, I will be voting against the striker replacement bill.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I rise in strong support of H.R. 5, the Workplace Fairness Act, which will, in essence, guarantee a worker's right to strike—a very basic American right that has been abrogated in recent years by such corporations as Continental and Eastern Airlines, TWA, Phelps Dodge, International Paper, and Greyhound, among others.

Mr. Chairman, the right to strike means nothing if, when a worker goes out on strike, that worker is fired and that worker's family becomes destitute. The right to strike in America means nothing if workers are too afraid to exercise that right and, sadly, that is often the case today.

The opponents of this legislation talk about the level playing field which exists today in terms of labor-management relations. And I say to them; "What world are you living in? How can you not see what has been going on in this country for the last 20 years?"

Mr. Chairman, 20 years ago the United States led the world in terms of the standard of living we provided our workers. Today, we are in 13th place and falling. The real wages of American production workers have fallen by 20 percent since 1973. That is not a level playing field—that's a decline in our standard of living.

From 1980 to 1992, executive salaries rose 511 percent, while workers' wages have not even kept pace with inflation. Business Week recently reported that the chief executive officers of major corporations in America now earn 157 times more than the average worker—157 times—the largest such gap in the industrialized world. That, my friends, is not a level playing field.

During the last 20 years, as corporations moved to Mexico and Asia in search of cheap labor, or underwent Wall Street engineered leverage buyouts, hundreds of thousands of American workers lost decent paying jobs. In my own State of Vermont, yesterday, St. Johnsbury Trucking Co. announced that it was closing down, with the loss of 450 decent paying transportation jobs. Some believe this tragedy took place because of a leverage buyout and the high interest rates the company paid for junk bonds. Investors get rich, and workers lose their jobs. That is not a level playing field.

Mr. Chairman, the 1980's were a time in which the rich grew richer and more powerful, while working people grew poorer and lost political and economic clout. The Workplace Fairness Act, by itself, will not turn our economy around. Much more needs to be done. But it is important because it will allow workers in America to stand up and fight for their rights and, if necessary, to go on strike in defense of those rights without fear of being fired.

Mr. Chairman, the Workplace Fairness Act must be supported and I urge my colleagues to do so.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, for more than a decade we have watched as the rights of American workers have been repeatedly weakened. Beginning in the early 1980's—the working men and women of this country have had years of hard-won protections stripped away.

Now we try, once again, to restore the most basic right of workers—their only real source of power in the collective bargaining process—the right to strike without fear of being permanently replaced. We all know that the right to strike is hollow without this protection. Workers who strike now must make the choice between standing up for their rights or keeping their job and their paycheck. That choice is no choice at all.

But this is not only an issue of the right to strike. At issue is the way this country views its workers and our future as an economic power. For years it was understood that a well trained, experienced, and loyal work force was essential to maintain quality and productivity. Those essential values took a beating in the vacuous 1980's, as workers were treated as simple mechanical parts—easily discarded, easily replaced.

That mentality has not only helped destroy the morale of the American workers, it has reduced the quality and competitiveness of American products.

Today's vote is a vote to restore the full right to strike, and to take a huge step toward a stronger, more productive work force.

I urge a resounding vote for this bill.

□ 1500

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, we have just heard some comments about international comparisons. The proponents of H.R. 5, who use international comparisons, also talk of the impressive cooperative relationship between labor and management.

They neglect, however, to note the differences in European government regulation of union activity. In Germany, for example, a strike is prohibited if such action would be deemed to be severe enough to grievously wound a company. In addition, a strike is immediately deemed illegal if picketers use intimidation as a tactic. Finally, striking workers in our European counterparts are absolutely ineligible for unemployment benefits.

Mr. Chairman, I wanted to make the House and other members of the committee aware of these differences.

Mr. OBERSTAR. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of H.R. 5, Cesar Chavez Workplace Fairness Act.

Opponents claim that passage of this bill will encourage strikes and give labor unions too much power. They are dead wrong. Right now the balance of

power is tilted towards the side of the employer, who uses the power of striker replacement as a tool for intimidation. Employers such as Frank Lorenzo and Greyhound view collective bargaining not as a means of negotiating current wages and working conditions, but as a means of ridding themselves of their unionized workers.

Mr. Chairman, last week I met with a group of women workers from the Diamond Walnut Co., represented by the International Brotherhood of Teamsters, who have been on strike since 1991. With tear-drenched faces, they told of the injustices committed by their employer.

The group was composed of single mothers, grandmothers, and great-grandmothers who have devoted most of their lives to Diamond Walnut. During the company's years of financial difficulty, many took a 40-percent wage cut to help the company get back on its feet. The company recovered with $171 million in net profits in 1991.

After years of sacrificing for their employer, it was time for these women to get something back. But did Diamond Walnut respect their sacrifice? No. The company cut their health benefits and offered only a 10 cent increase on their wages, refusing to pay them more than $6 an hour. Finally, when the employees demanded respect by going on strike, they were replaced.

This is only one example of how companies across the United States have taken advantage of the law. We can not allow employers to bully their workers out of their rights to form unions and bargain collectively. Mr. Chairman, I urge my colleagues to vote for H.R. 5 and restore the balance of power between our workers and their employers.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Chairman, I rise in strong support of H.R. 5, the Cesar Chavez Workplace Fairness Act.

This is a measure that I wholeheartedly endorsed in the last Congress, and one that I am convinced that President Clinton, who pledged to fight for the working men and women of this country, will be proud to sign into law.

H.R. 5 is necessary to restore a fair balance between labor and management and to improve the living standards of American workers.

Since 1935, the National Labor Relations Act [NLRA] has protected the rights of workers to join unions and engage in collective bargaining. However, this protection does not extend to workers who go out on strike. A strike is the one circumstance in which an employer can legally replace a worker who is engaging in a union activity.

In fact, ever since Ronald Reagan fired 11,400 striking air traffic controllers in 1981, employers have increasingly used this legal loophole to crush strikes.

Mr. Chairman, nothing is more fundamental to the collective-bargaining process than the right to strike. But, as thousands of workers lose their jobs to permanent replacements, confidence in that right is rapidly eroding.

Obviously, we need to restore workers confidence in this essential element of the collective-bargaining system. And we have an opportunity to do that today by approving H.R. 5.

H.R. 5 would prohibit an employer from hiring permanent replacement workers during labor disputes. Employers would still be allowed to hire temporary replacements during a lockout or strike, but workers participating in the strike would be entitled to their jobs at the end of the dispute.

Mr. Chairman, this legislation is a matter of basic fairness and equity. The working men and women of this country deserve no less.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas [Mr. THORNTON] to engage in a colloquy with me.

Mr. THORNTON. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to inquire of the bill's managers, what impact would H.R. 5 have on State right-to-work laws?

Mr. OBERSTAR. Mr. Chairman, if the gentleman will yield, I thank the gentleman for raising this question. Unfortunately, a number of groups opposed to H.R. 5, have been spreading incorrect information on this issue. The plain fact is that H.R. 5 would not have any impact whatsoever on right-to-work statutes.

As you know, H.R. 5 simply amends section 8(a) of the National Labor Relations Act to make it an unfair labor practice for an employer to permanently replace striking workers. In contrast, State right-to-work laws are specifically permitted by section 14(b) of the NLRA. The legislation we are considering today does not alter in any respect section 14(b). Thus, it is readily apparent that H.R. 5 in no way changes or interferes with the ability of a State to have a so-called right-to-work statute. In those States which have such statutes, employers and unions will still be prohibited from entering into agreements requiring membership in a labor organization as a condition of employment.

Mr. THORNTON. Mr. Chairman, I thank the gentleman for clarifying this point.

Mr. CLINGER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I yield myself this time to discuss the argument that has been made in committee and elsewhere, a fallacy, really, that permanent replacement is the same as being fired.

Under current law strikers are not really fired nor even permanently replaced. At most, they are usually only temporarily replaced. When the strike is over they have a preferential right to be rehired as vacancies occur with seniority and benefits.

In the airline industry, which is what we are dealing with in this segment, almost all strikers who were permanently replaced did eventually get their job back. There was an exception, and that involved situations where the company went out of business, so nobody had a job, not even the replacements.

Under current law, if management is found to have engaged in unfair labor practices, the striker has an immediate right to get his job back and displace the permanent replacement.

Mr. Chairman, I ask unanimous consent that the remainder of my time be yielded to the minority on the Committee on Energy and Commerce.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, hiring replacement workers is not a new phenomenon in the history of labor management relations. In fact, it was what characterized management during the previous 200 years of the Industrial Revolution, prior to enactment of the Wagner Act in 1935, that gave labor the right to collectively bargain and to withhold their service, that is, to strike, if that becomes necessary.

The firing of striking employees is a relatively recent phenomenon since the Wagner Act, taking their cue from President Reagan in 1981, who fired striking air traffic controllers. If the Chief Executive Officer of the United States could fire employees and permanently replace them, so could the chief executive officers of every corporation in America, and they began to do so, particularly in the airline industry. With all due respect for all the other industries affected by this legislation, airlines is where we had the greatest number, nearly 17,000 workers, replaced by management in the course of a strike.

There are apparently those who oppose this legislation who think that this is kind of a license for organized labor to go out and immediately challenge management and go out on strike.

Mr. Chairman, I grew up in a union family, in the Steelworker Union in the iron ore country of northern Minnesota, and a strike is no fun.

As a youngster I remember carrying a lunch bucket to my dad out on the picket line, coming home on a Friday evening, and saying to my father and mother, "Soup again?" And the answer was, "And you're darn lucky we have got soup. Just pray that we have some next week."

We never came out ahead economically in a strike. We did not have strike funds or benefits of any kind. You had to rely on your own resources.

But there were some principles at stake. The workers were willing to go out on strike if management would not negotiate collectively, bargain with them, and come to a reasonable agreement.

But in the course of that process, if you have the right to withhold your services, you should not be fired for doing so. You could be fired for a lot of other things, for poor workmanship, for fraud and abuse on the job. Under our civil rights statutes you can be fired for discrimination. There are lots of things that can happen to you. But you should not be fired simply because you exercise your right to withhold your services in the course of labor-management negotiations.

In the airline industry we saw the FAA take this issue one step further. Not only were the air traffic controllers fired, but they were prevented from any other kind of employment with the Federal Government. And not only with the Federal Government, but from working for a private firm that sought to contract with the FAA. If an air traffic controller was employed, either the contractor would not be allowed to continue, or that worker had to be let go.

□ 1510

That is the kind of vindictiveness of carrying this philosophy to its extreme.

This legislation will simply restore the fairness, the balance in labor-management negotiations on economic issues that the Wagner Act intended should prevail when it set forth the Magna Carta of labor, the right to collectively bargain, to withhold services, if need be. It is a matter of workplace fairness and decency.

I urge its enactment.

The CHAIRMAN. The time of the gentleman has expired.

Under the rule, the distinguished gentleman from Washington [Mr. SWIFT] will be recognized for 15 minutes, and the distinguished gentleman from Ohio [Mr. OXLEY] will be recognized for 19 minutes. The gentleman from Ohio [Mr. OXLEY] was yielded an additional 4 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am a Member of Congress who very rarely says that we deal with simple issues here. In fact, I think a majority of the time we deal with very complex things, often very highly technical things. The decisions are difficult, and it is sometimes hard to determine the proper course of action to take.

But to my mind, this issue is simple—you are either for real collective bargaining or you are not.

I am a free enterpriser. There are many things wrong with it, but, like the democratic system itself, the free enterprise system seems to be better than all of the other systems that have been devised so far. It has always seemed to me that the concept of organized labor is simply the way in which the individual worker can be a viable part of the free enterprise system.

Workers must have a piece of the pie in this system somehow or other. They can beg for it under a paternalistic system or you can devise the means, as we have in this country and in many, many nations around the world, where workers can take care of themselves by banding together to negotiate with their employers.

When you stop and think about it, what you really have between labor and management is a partnership within the free enterprise system. Each partner needs the other.

This partnership is a very important framework, but there must be a method by which the partners can resolve differences. That mechanism is called collective bargaining, and it requires a balance between the two partners.

For the last 40 years, that balance worked in practice. This has been 40 years, I might add, of the greatest prosperity in the history of this country and 40 years that no fair-minded person would suggest was marked primarily by labor strife. Only in the last dozen years, with the assertion by some in management of a dormant technique, the permanent replacement of striking workers, has that balance been disturbed. It is unacceptable to permit this imbalance to continue.

That is the reason I suggest that this decision is simple: should labor share in our economic system or not? That is the question. I would suggest that the answer to that question is self-evident.

Mr. Chairman, this is one of the most important pieces of labor legislation that will come before the House this Congress. H.R. 5, Cesar Chavez Workplace Fairness Act, will rectify a serious imbalance that currently exists in the collective bargaining process. By prohibiting the permanent replacement of striking workers, H.R. 5 will protect the rights of labor union members to engage in legal strikes.

I would like to commend Chairmen FORD and WILLIAMS of Education and Labor, Chairmen MINETA and OBERSTAR of Public Works and Transportation, and my chairman, Mr. DINGELL of Energy and Commerce, for the leadership they have shown in moving H.R. 5 rapidly through the committee process. Also, I wish to thank Messrs. MOORHEAD, OXLEY, and the other Republican members of the Committee on Energy and Commerce for their cooperation in the expeditious processing of this bill.

H.R. 5 amends both the National Labor Relations Act and the Railway Labor Act to prohibit the permanent replacement of union workers involved in legal economic strikes.

The Committee on Energy and Commerce has jurisdiction solely over section 3 of the bill, which amends the Railway Labor Act. Permanent replacement workers are seldom used in railroad labor-management disputes because the extensive mediation process provided for in the Railway Labor Act is designed to settle disputes without either party resorting to work stoppages. Just because the weapon is seldom used, however, does not reduce its potentially devastating impact on the right to strike and, even, on the negotiation process itself.

If employees can be dismissed for exercising their legal right to strike, then that right becomes meaningless. We must ensure that our railroad workers, who have already given up their right to strike over minor disputes, are protected from the use, or threatened use, of permanent replacements, and are thus, if necessary, able to exercise their legal right to strike.

The Railway Labor Act also applies to the airline industry, and it is here that the issue of permanent replacement workers becomes more significant. Noteworthy examples are the 1985 Continental and 1989 Eastern Airlines strikes, in which Frank Lorenzo permanently replaced pilots, flight attendants, and machinists who exercised their legal right to strike.

Another sobering aspect of the use of permanent replacement workers occurs in the union certification process. Currently an employer can simply hire loyal permanent replacements, wait until 12 months have passed and the strikers are no longer allowed to vote in union decertification elections, and apply for such an election. This kind of union-busting tactic must be stopped.

The record developed in the various committees over the last three Congresses clearly shows the serious imbalance that currently exists in the collective bargaining process. By protecting the rights of labor union members to strike, and ensuring that permanent replacement workers cannot be used as a union-busting tool, H.R. 5 will restore fairness to the collective bargaining process.

I urge my colleagues' support for this important legislation. Congress must act now to restore balance to the collective bargaining process and ensure that America's workers, including its railroad workers, retain the ability to utilize their legal right to strike without needlessly fearing that they will have their jobs ruthlessly taken from them.

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL Mr. Chairman, I rise to indicate my strong support for this legislation.

I commend my good friend, the distinguished chairman of the Committee on Education and Labor, for his untiring efforts in bringing this bill to the floor today. I also wish to commend Mr. WILLIAMS, the Chairman of

the Subcommittee on Labor-Management Relations, for his leadership on this important legislation.

The Committee on Energy and Commerce, pursuant to its jurisdiction of railroads and rail labor, has duly considered and reported H.R. 5. Section 3 of the bill amends the Railways Labor Act to prohibit the hiring of permanent replacement workers for striking railroad employees. In hearings before our Subcommittee on Transportation and Hazardous Materials, both in the last Congress and earlier this year, the reasons for including rail workers in this legislation were explained and justified.

While there have been instances where permanent replacement workers have been hired on railroads, it is true that this has not been a widely documented practice. This is no doubt due in part to the training and expertise required to perform such jobs and, consequently, the expense and time it would take to qualify individuals for such employment. However, evidence indicates that the threat of using permanent replacement workers in the rail industry has increased during the past decade. Since 1980 over 250 new short line and regional railroads have been created. These new railroads often attempt to rely on smaller or cheaper workforces to conduct operations.

As one witness testified before our subcommittee earlier this year: "Rail labor's fear is that this new generation of railroad management, which, in many instances, seems to believe that they must rid themselves of unions to achieve their economic goals, will almost routinely seek to use the permanent replacement doctrine." Section 3 of the bill would prevent management abuses by preventing the hiring of permanent replacement workers in lawful railroad strikes and would restore the delicate balance between management and labor envisioned under the Railway Labor Act.

In closing, Mr. Chairman, I wish to commend the distinguished chairman of our Subcommittee on Transportation and Hazardous Materials, Mr. SWIFT, for his diligence and leadership in pursuing this matter. As well, I appreciate the excellent cooperation we received from our Republican Members, and particularly Mr. MOORHEAD and Mr. OXLEY, in allowing this legislation to be considered in the Committee. I also would note that the three committees of jurisdiction have worked closely and cooperatively together to bring this matter to the House today.

I believe this legislation is necessary to maintain an appropriate balance between labor and management and I urge my colleagues to support the bill.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

The American collective bargain system is perhaps the most successful and stable in the world. We have a system where the rights of our workers to organize and bargain over bread-and-butter issues is protected by Federal law. But it is also a system that recognizes the natural divergence of interests between labor and management. As a result, our labor was guarantee labor the right to strike over economic issues, and also protect management's right to attempt continued operations during an economic strike. Exercising either option involves hardship to both sides, so we have a system of balanced mutual incentives that helps keep strikes to a minimum, while maximizing voluntary contract settlements.

This has been the law of the land since the Supreme Court's MacKay Radio decision in 1938. H.R. 5 would overturn this settled principle of American labor law by depriving management of any option to hire non-temporary employees during a strike.

To justify such a drastic change in the balance of economic bargaining power, you would expect a record of real problems. In fact, just the opposite is true: The General Accounting Office found in its 1991 study that only 4 percent of strikers were actually replaced by permanent employees. That's the record that is supposed to support section 1 of this bill, amending the National Labor Relations Act.

As to section 2, the Railway Labor Act, the record is even flimsier: There has not been a case of permanent replacement of strikers by a major railroad in the last 30 years. So why are we here debating H.R. 5?

As best I can tell, the answer is: Somebody does want to produce a real imbalance in our bargaining system. American businesses recognize this proposal for what it is—the creation of a massively and permanently uneven playing-field for labor negotiations. And when I say "American Business," I am specifically including the firms located in my district, who have been unanimous in their opposition to H.R. 5. No matter what industry is involved, the verdict is the same: We have a sound, balanced system now, and H.R. 5 would only mess it up by encouraging strikes and the discouraging serious bargaining that leads to voluntary settlements.

In my view, Mr. Chairman, we should stay with a winner—the present successful American collective bargaining system. There is no factual record to support the drastic changes mandated by H.R. 5. If we do enact such a bill, we are merely endangering more American jobs and the competitive position of our American industries. That is why I will vote against H.R. 5.

Mr. Chairman, I reserve the balance of my time.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. MANTON], a member of the committee.

Mr. MANTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in strong support of H.R. 5, the Cesar Chavez Workplace Fairness Act. This legislation has been appropriately dedicated to the heroic leader and defender of our Nation's migrant workforce. America lost a great labor leader and a true patriot with the death of Cesar Chavez.

Mr. Chairman, with the passage of the Railway Labor Act in 1928 and the National Labor Relations Act in 1935, the Government sanctioned the right of workers to bargain collectively.

The acts gave both management and labor equal leverage in the process. Workers were guaranteed the right to withhold their labor without losing their jobs if negotiations for better wages and working conditions were unsuccessful. Management could continue operations during a strike with replacement workers or simply wait out the strikers drawing on capital reserves.

This balance of power has worked well for many decades. Collective bargaining agreements have steadily improved the wages and working conditions of American workers. The balance also fostered a more cooperative atmosphere between labor and management which led to increased productivity and international competitiveness.

But in the 1980's, some businesses began to employ the insidious practice of hiring permanent replacement workers during a strike. And while Federal law prohibits a company from firing a striking worker, the distinction between being permanently replaced or fired is nonexistent.

This troubling development in labor-management relations has effectively denied workers the only real leverage they have in the collective bargaining process: the right to withhold their labor without jeopardizing their employment.

Despite the rhetorical attacks and misinformation campaign being waged against H.R. 5, this legislation is a very simple and straightforward attempt to restore the historic balance in labor-management relations.

H.R. 5 would prohibit employers from hiring permanent replacements for workers who are striking for better wages, better benefits or improved working conditions.

Mr. Chairman, I urge my colleagues to join me in voting for this important legislation. The right to strike is a fundamental labor right, and American workers deserve no less.

□ 1520

Mr. OXLEY. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. MOORHEAD], the senior member of the Committee on Energy and Commerce.

Mr. MOORHEAD. Mr. Chairman, any successful system of collective bargaining involves an economic tug-of-war between labor and management. That is inevitable and natural in any healthy economy. Here in the United States, we have been especially fortunate to have a system of Federal labor laws that set fair and balanced ground rules for this bargaining contest between labor and management.

It has been settled law since the Supreme Court's 1938 MacKay Radio decision that, just as labor possesses the

right to strike a firm over economic issues, so management has a correlative option of hiring non-temporary workers in an attempt to keep operating during such an economic strike.

This system of balanced and mutually deterring economic weapons has worked successfully for over five decades. The historical record bears this out. When the General Accounting Office conducted its study of the striker-replacement issue in 1991, for example, it found that only 4 percent of strikers in a given year were actually replaced by nontemporary employees. That is for the economy as a whole—where most firms are governed by the National Labor Relations Act. As for the Railway Labor Act—which would be amended by section 2 of H.R. 5—there has been not a single case of permanent replacement of strikers on a major railroad since 1963.

Is this the kind of record that justifies a drastic and radical change in our collective bargaining system? Certainly not. We also need to remember that if we restructure our labor laws so as to skew the incentives in favor of strikes and against voluntary settlements, we are endangering more American jobs, not fewer. This was vividly illustrated by the so-called success of a protracted newspaper strike in Los Angeles some years ago. It was a labor victory in a sense, because the target firm went out of business. But what did that achieve? It destroyed hundreds of jobs, and even more significant, it deprived Los Angeles of its only large prolabor newspaper voice. The moral of the story is clear: There must be a balance in our collective bargaining system, so that both labor and management view strikes as an option of absolute last resort.

H.R. 5 does just the opposite: It proposes to remove management's major counter-weapon to the economic strike. This means more strikes, fewer voluntary settlements, and more endangered American jobs. That is bad policy for American workers, for American businesses, and for the American economy. I am therefore opposed to H.R. 5, and will so vote.

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois [Mrs. COLLINS], a member of the committee.

Mrs. COLLINS of Illinois. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of H.R. 5, the Cesar Chavez Workplace Fairness Act. It is important legislation which will finally set us back on the road to parity between workers and management.

For more than a decade we have been sliding down a course of unfairness which has given labor a decreased ability to bargain for its members since decisions by companies to permanently replace workers who are striking for economic reasons have been allowed to stand. Clearly unions have been stymied in their attempts to negotiate fair wages and workplace fairness because the only real tool they possess, which is the strike, has been made ineffective by the ability of companies to declare null and void their threat of the strike. Time and again during the Reagan-Bush years we have watched companies ignore the demands of their unions. Eastern Airlines, TWA, International Paper, the Chicago Tribune, Greyhound, and other major corporations have all permanently replaced their experienced workers when there was disagreement over workplace fairness and economic issues. President Reagan established the practice of replacing striking workers when he fired the air traffic controllers in 1981. Many Eastern and TWA mechanics and workers who live in Illinois' Seventh Congressional District, and who were replaced when they struck, are still unemployed. So are Greyhound busdrivers who live in my district who are now driving taxicabs. Other former wage earners and their families are merely subsisting on unemployment compensation. For all of those who have been permanently replaced, their quality of life has diminished and their standard of living has plummeted.

What makes this particularly meanspirited today is that once strikers are replaced they have no place to go. We all know that job growth in this economy is slow at best. Therefore, they are released to be unemployed in a very bad job market.

Of course some on the other side would claim that we alter the balance between labor and management by this act. They have it precisely wrong. The balance between the two sides is already off. It favors management which in many cases is able to break unions by being uncompromising and forcing them into a strike. This act merely makes level a lopsided system which currently favors management.

Mr. Chairman, we in the Congress have no business settling labor disputes and this Member, for one, hopes we stay out of them; but in order for the outcomes of these disagreements to be fair and just each side must be able to bring the other to the bargaining table. Without the ability to strike the efforts of labor are effectively canceled out. I support H.R. 5 and urge my colleagues to join me in this important attempt to correct the current imbalance in labor-management relations.

The CHAIRMAN. The gentleman from Ohio [Mr. OXLEY] has 13 minutes remaining, and the gentleman from Washington [Mr. SWIFT] has 7 minutes remaining.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Chairman, this issue of striker replacement is not a union issue, it is not a management issue, it is an issue which is the sore result of years and years and years of bickering between management and labor. That is why, when the freshman Republican met with G. Edwards Deming, he said the present system of resolving disputes in this country results in both parties losing and the consumer being caught in between. This is a business issue, and this is an issue about jobs. It is not a union issue. It is not a management issue.

Just as our economy is struggling to right itself, H.R. 5 would deal a brutal blow. Passage of this legislation would inevitably lead to more strikes, not more jobs or higher productivity. I think it is important to realize that it is not just Republicans that are opposed to this, it is not just a matter belonging to the conservative persuasion, but listen to what some of the newspapers in this country have said about it themselves.

I quote from the Washington Post in its April 27 editorial. This is the same Washington Post which has aligned itself with nearly every labor issue that has come before this assembly in the past 20 or 30 years. Here is the quote.

Striker replacement is ill-advised legislation whose likely long-term effect would be to hurt the U.S. economy far more than it would help. Bill Clinton has promised organized labor to sign the bill if it is sent to him. It's a promise we wish he hadn't made, and hope he does not get the chance to keep.

I would urge my colleagues to vote against this legislation.

□ 1530

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, this bill is good for this country. It will: Restore the balance to labor-management relations—workers should not have to risk losing their jobs every time they engage in a legal strike;

Stem management's increasing use of the replacement of striking workers—over the past 10 years a series of strikes occurred during which strikers were replaced, for example, Continental and Eastern Airlines, TWA, Phelps Dodge, International Paper, and Greyhound;

Equally protect all workers—it does not discriminate against nonunion employees. It ensures that all workers have the right to decide for themselves;

Facilitate the work of the Commission on the future of worker management relations—this bill will level the field of labor-management relations making a more productive dialog possible; and

Improve U.S. competitiveness—creating a stable, cooperative relationship between business and labor will improve the United States' ability to deal with trading partners who have similar laws to H.R. 5.

This bill will not: Encourage strikes—the strike is the weapon of

last resort, workers do not want to strike and this bill will not increase the propensity for workers to walk off the job; or require employers to rehire violent workers—it only applies to workers who engage in legal strikes.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Chairman, I rise in strong opposition to this legislation which will put the Federal Government squarely in support of unions in disputes over pay and benefits.

Let us face it—this bill is not about fairness, it is about rigging the rules in unions favor.

H.R. 5 removes the risk factor for unions considering a strike over economic issues.

Under current law there is risk on both sides of a labor dispute.

Employers risk disruption of their business if workers go on strike; workers considering a strike must weigh the risk that the employer might decide to hire permanent replacements.

Under H.R. 5 strikes become virtually risk-free for unionized workers as the Government steps in to foreclose the employer's option to hire permanent replacements to keep the business running.

Current law has worked for over 55 years. Let us keep the law balanced so that it favors neither business nor labor. Tipping the scales in favor of unions, as this bill does, will increase the number of strikes and hurt our economy. We should reject the unions bid to put the Federal Government in their corner.

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, I rise in support of H.R. 5, the Cesar Chavez workplace fairness bill. With this legislation we honor a great American leader who stood up for the most disadvantaged workers in this country—farmworkers. The struggle of the farmworkers union symbolizes every worker's struggle for dignity and fairness.

During the past decade, employers have increasingly resorted to taking advantage of a loophole in our labor laws to hire or threaten to hire permanent replacements. In many cases, employers have used this devastating tactic to force workers to accept cuts in wages, health care, and other benefits. A survey by the General Accounting Office found that employers raised this threat in one-third of all collective-bargaining negotiations.

As you know, no worker wants to strike—it is used only when all other options have been exhausted. And, if workers are forced to strike, they are legally helpless to do anything but look on as they lose their jobs. Once an employer has hired permanent replacements, the employer has little incentive to explore any compromise which might end the strike.

Contrary to the arguments advanced by opponents of H.R. 5, this legislation will not tilt the balance in labor relations unfairly toward workers. Under H.R. 5, workers will still lose their paychecks if they go out on strike.

I believe H.R. 5, will restore fairness to our collective-bargaining system intended by our national labor policy. I, therefore, urge my colleagues to join me in voting for this legislation.

Mr. OXLEY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Ohio for yielding time to me and I rise in opposition to H.R. 5, the striker enhancement bill, and urge my colleagues to vote against this bill which is going to be very damaging to our economy, and which is clearly designed to set back labor-management relations in this country by more than 50 years.

Imagine if you were one of the 85 percent of American workers who do not belong to a union, most of whom do not want to belong to a union, but if this bill passes will be denied the right to fairly compete for job opportunities. Imagine the effect on our economy when this kind of power brings it to a grinding halt.

I am not opposed to unions competing for members in an open, fair marketplace. But let us not let the Government guarantee them more members by destroying our balanced bargaining system.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would like to again remind those who are speaking, who do not appear to understand what the law is all about that is presently on the books that there are all sorts of protections there and available for a striker.

This has nothing to do also with air traffic controller strikes. I hear Members getting up saying that it has something to do with that strike. Even the Secretary of Labor, when he came before our committee, made it very clear that this has positively nothing to do with that, that that was an illegal strike and has nothing to do with the legislation before us.

But let me talk just very briefly about the protections that are presently in the law which people do not seem to understand.

Statutory protections are the fact that economic strikers remain statutory employees eligible for recall until they obtain regular and substantially equivalent employment, and they maintain eligibility to vote in union elections for 12 months. Employers are prohibited from engaging in surface bargaining to instigate a strike so nonunion replacement workers can be hired. Likewise, employers may not grant additional benefits to either temporary or permanent replacements, and they may not use this opportunity to try to bring about a nonunion work force.

All these protections are in the law. All have worked very, very well for 50-some years.

The one problem, as I stated before, which we do not correct in this legislation, and is the only correction that is really needed, is to get NLRB to make their decisions much more quickly than they make them. We have heard the bus lines mentioned on several occasions. That should not have happened. If NLRB would have done their job promptly, we would not have been waiting 4 years. So that is the only thing that really needs fixing in the legislation to even the balance. But we are not touching that in this legislation.

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, for more than 25 years organized working people have been cheated out of their most elementary rights by anachronisms in our labor laws.

The last time a Democrat was in the White House, a Democratic President and a Democratic Congress were unable to correct the most obvious abuses with labor law reform. Permanent replacements, however, strike bluntly at the right to strike itself, and thus should receive bipartisan support.

□ 1540

Permanent replacements are rarely used because they are so disruptive and counterproductive. However, the very thought of being replaced in an economy that has been declining for decades has gravely restricted much more than the right to strike.

Permanent replacements intimidate legitimate demands at the bargaining table today. If we sanction permanently replacing people who exercise their legal right to strike, we cut a large chunk out of free trade unionism itself.

Let us do the opposite today and support the right of working people to bargain and to strike.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in summing up, let me just say that I had a personal experience with this situation in my own congressional district where a very bitter strike had taken place that lasted for quite some time, several months. Indeed, there was even a minor amount of violence involved.

Having talked after the settlement with the union leaders as well as management, it became clear that the threat, not the implementation, but actually the threat of hiring permanent replacement workers was essen-

tially the fulcrum that brought this entire episode to a close, and it told me that the law that we have been following for 55 years and the interpretation by the Supreme Court is such that it does provide a very viable balance between labor's legitimate right to withhold its labor and management's legitimate right to keep the operation running, not only to protect the business, but also to protect the suppliers and the customers that so many times depend on that particular facility. So this is, indeed, a very balanced law that we have on the books today, and it is clear to me, at least based on experience, that H.R. 5 would tilt that balance to the point that it would be the proverbial unlevel playing field.

So I think that H.R. 5 is bad legislation. It is certainly not in the precedents of fair labor law in this country, and I would urge this House to reject H.R. 5.

Mr. Chairman, I yield back the balance of my time.

Mr. SWIFT. Mr. Chairman, I yield the balance of our time to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I rise today in strong support of this legislation.

I want to start by thanking Chairman FORD, Chairman CLAY, and Chairmen WILLIAMS, DINGELL, and MINETA for their efforts over a long, long period of time at crafting this very important piece of legislation and bringing the Workplace Fairness Act to us today.

Today's vote is, in my view, a statement about the way we treat people and about our fundamental values in this country. It is a test of whether we respect the value of each American worker.

I believe preserving the rights of labor enhances productivity and wealth creation. I think a "yes" vote on this bill today indicates an understanding that people and profits are not mutually exclusive.

The issue before us is very, very simple: Where workers have gathered together and have had their union recognized, management should be prohibited from hiring permanent replacements. Employers should not be able to undermine this basic right of workers.

For 50 years the spirit of the National Labor Relations Act was honored until the management team of Reagan and Bush sent the country a clear message: The way to profits is by getting rid of unions, breaking contracts, raiding pensions, and dissolving health care plans.

Make no mistake, this is not an esoteric labor issue. Today's vote touches American workers in real terms. With increasing regularity, employers in America have used the threat of permanent replacement to exact concessions from their workers. The General Accounting Office found that this threat is used in one-third of all collective bargaining negotiations.

Our competitors understand this basic issue. From Mexico to Europe, countries across the globe provide this basic protection.

This bill is really about what we want this country to be and what our most important goal is. I think the most important goal of our country is to have a high standard of living for all of our people, and we only enhance that standard of living by protecting this basic right of workers to be able to organize, to be able to collectively bargain, and, yes, even to take it to a strike, but to know that at the end of that strike and the resolution of that contract they cannot be permanently replaced.

It is the right thing to do for our people. It is the right thing to do for our standard of living.

I urge Members to support this legislation.

Mr. EMERSON. Mr. Chairman, since the Mackay decision in 1938, American industries have been fortunate to experience dramatic economic growth. This has been good for both employers and employees because the level of productivity and the standard of living has greatly increased for the American people.

This legislation would take away the right of employers to hire permanent replacements for workers who strike over economic issues. While this mandate may serve the narrow interests of labor union leaders by enabling them to effectively shut down a business until they can force acceptance of their bargaining demands, it is certainly not in the best interests of the majority of the employees who want and need their company to survive and prosper.

The Government's participation in labor-management relations should be strictly neutral. Unions should be free to strike, companies free to hire workers, and individuals free to work. Nothing could be as elementary as that. This striker bill would put the Government in a bind by creating situations in which the Government will pick favorites or choose sides in what should be a private employer/employee dispute.

A bill such as H.R. 5 will only disturb the balanced playing field by giving an unequal advantage to unions. The balance, the equilibrium would be totally abolished—with companies, the economic entities, at the mercy of unions. There would be no level playing field.

The bottom line is that America needs jobs, and a major change in the lay of the playing field that this bill proposes is not the answer. The Government needs to maintain the foundation of this country's system of collective bargaining: the balance of rights that now encourages both sides of labor disputes to avoid long and drawn-out confrontations.

I will vote against passage of H.R. 5 and in favor of keeping a half century of labor law in place, law that maintains a balance and doesn't tilt toward one side or the other.

Mr. HUGHES. Mr. Chairman, there are very few issues as contentious as those which pit labor against management. The differences are generally so great that it is difficult to find a middle ground that is deemed fair or is acceptable to both sides. That is certainly the case with H.R. 5, the Cesar Chavez Workplace Fairness Act which we consider today.

Like many of my colleagues, I have considered both sides of the issue of striker replacement. I believe the best solution is one which preserves a fair balance between labor and management by respecting both the legitimate right of workers to strike for an improved standard of living and the need of businesses to continue operations and remain viable during prolonged work stoppages. Only under these circumstances can effective collective bargaining occur.

Ever since President Reagan fired the air traffic controllers in 1981 and replaced them with permanent workers, however, there has been much concern that the right to strike has been undermined, and that the level playing field has been tilted in favor of management. The subsequent strikes at Eastern Airlines, Continental, TWA, Philps Dodge, and Greyhound, in which permanent replacements were hired, provide some evidence to support that concern. Those strikes cost thousands of workers their jobs for no other reason than exercising their legitimate right to strike.

The business community argues that H.R. 5 will result in a cascade of strikes and America losing her ability to compete in the global economy. The strength of our Nation's economy and our ability to retain a competitive edge in the global marketplace is of paramount concern to me as well.

Yet, I don't believe that American workers take lightly the decision to go out on strike, but instead view a strike as a tactic of last resort, to be avoided if at all possible. To workers, a strike means no paycheck which undoubtedly brings about personal and family hardship.

Additionally, guaranteed job reinstatement has not worked to the detriment of our global competitors. Japan and Germany, both powerhouses in the world market, offer job protection to workers which result in a stable nonadversarial relationship between employers and employees. The option of permanently replacing striking workers, that has been exercised in recent years, undermines the kind of cooperative and stable labor-management relations that is essential to economic success.

It really makes no difference if a worker is fired or permanently replaced. They are still out of a job. Although there are no easy solutions to labor-management disputes, prohibiting the permanent replacement of workers is calculated to restore integrity to the collective bargaining process and allow this mechanism to work. We must monitor the law closely to insure that it does.

I urge my colleagues to support this bill.

Mr. KOLBE. Mr. Chairman, H.R. 5 is called the Cesar Chavez Workplace Fairness Act. Unfortunately, fairness is the last thing this bill would achieve.

For 50 years, there has been a balance in the bargaining power between business and labor. When negotiations take place, both sides know they can lose if they fail to reach an agreement and a strike results. Employers know a strike will severely disrupt their operations. If they attempt to continue operations using management personnel or, in the few

cases where they might hire replacement workers, they know the loss in productivity could result in the company losing its competitive position. Employees, on the other hand, know there is a chance they may lose their jobs.

As long as this balance exists, strikes are relatively rare and negotiated labor-management agreements are the rule. The evidence bears this out. Person-days lost to strikes is significantly lower in this country than most OECD nations. But, this bill would destroy this balance and radically shift power in favor of labor and against management. Unions will be tempted to strike for their demands, reasonable or unreasonable, with little worry that the strike could fail. The end result of this legislation would be lower productivity, fewer jobs, and an increasingly combative relationship between labor and management.

I urge my colleagues to oppose this legislation.

Mr. DORNAN of California. Mr. Chairman, I rise in opposition to this bad bill, H.R. 5, the striker replacement bill. It is, in short, biased, exclusionary, expensive, and unnecessary. But this does not preclude the big labor unions—or the Democrat Congress doing their bidding—from shoving H.R. 5 down the throats of American business. In effect, passage of this bill will undo 55 years of very carefully balanced labor relations law, as defined in the Mackay decision. H.R. 5 will tip the scales in favor of a stronger union say in the economic affairs of private businesses, even stripping from management the ability to negotiate an end to labor disputes. And it will have the effect of choking off our economic recovery.

In general, our current labor dispute resolution process, as defined in the National Labor Relations Act, works well. While no one should pretend that it is perfect, very few will dispute that it is fair. The NLRA is the foundation of our labor law, driving both sides in a labor dispute to the bargaining table. So what special interest group will claim the current law isn't fair. The unions, whose membership, it is important to realize, only accounts for 12 percent of our private workforce. This means that fully 80 percent of the working population is unaffected by labor arbitration! This is remarkable in light of the disproportionate power labor unions wield. So this minority segment of the labor force now seeks to upset the currently level playing field to give special legal powers to striking workers. H.R. 5 equates economic strikes with strikes based on unfair labor practices, and indeed, chooses the winner even before arbitration. One of our colleagues has justly referred to this as changing the right to work and the right to dispute into the right to be victorious in the disputations. This is unfair.

Of course, with big labor calling the shots in the arbitration process, they will realize a tremendous boost in their political power, which has faltered over the past few of decades. Union membership is down significantly. Interestingly enough, despite the unpopularity of union membership, the AFL–CIO continues to claim that nonunion employees are worse off than union workers, even while they fight life and death battles over issues like striker replacement. The unions also don't seem too concerned about the plight of the unemployed nonunion workers who are happy to work for the going wage—but I will not fault them on their lack of compassion. I will, however, fault Congress for its lack thereof, as it proposes to give union workers further privileges at the expense of American workers who bargain for themselves. It should not be Congress' place to recoup the lost power and prestige of big union labor.

H.R. 5 will have an impact much broader than the unionized workers. It will impact on small businesses, the engine of our economy, by taking away the only option they have available when faced with a strike. Temporary replacement workers are not always an option for small businesses, who lack resources to train people for temporary employment. There simply is not enough return on their investment. And giving labor the upper hand in labor disputes will lead to increased inflation and industrial conflict, and reduced productivity and quality of goods and services. Even the last failed Democrat administration—Carter, not Clinton—recognized that sweeping revisions to the labor code would be excessively inflationary and lead to increased labor disputes. This is why President Carter never pursued this issue, even with a sympathetic Congress.

The bottom line, Mr. Chairman, is that labor wants to turn the current dispute resolution process into a risk-free situation for unions. Does it seem fair that an American businessman who risks his own capital to establish a business should lose the very soul of that business without any say in the matter, while striking workers are assured of a permanent job for participating in even the most garden-variety or frivolous strike? It is not fair, and it is for this reason alone that H.R. 5 must be defeated. I urge my colleagues to defeat this bill and instead support labor dispute resolution through the NLRA guidelines.

Mr. KLECZKA. Mr. Chairman, the labor relations system in the United States must maintain a delicate balance between labor and management. That balance must exist between the natural economic force of the employer and the corresponding economic force of unionized workers to withhold their labor.

This balance has been threatened by a philosophy which undermines the collective bargaining process. Since 1981, more than 300,000 workers have lost their jobs to permanent strikebreakers. In addition, thousands of workers have refrained from exercising their legal right to strike because of the threat of permanent replacement.

In 1970, employers hired permanent replacement workers in only 1 percent of all strikes. In 1992, employers hired permanent replacements in 25 percent of all strikes. According to a survey conducted in 1992 by the Bureau of National Affairs, 79 percent of all employers polled responded that if a strike occurred at their businesses, they would seek to replace their work force or would seriously consider doing so.

In this environment, unscrupulous managers have come to see collective bargaining not as a good faith means of negotiating wages and working conditions, but rather as an opportunity to demand substantial give-backs, precipitate strikes, replace the strikers, and recruit a newer and more obedient work force. Some employers even advertise for permanent replacement workers before they begin negotiations.

Clearly, action is needed to restore balance to the labor-management relationship, which is the basis for America's economic livelihood. The Cesar Chavez Workplace Fairness Act is that action.

This legislation would restore balance to collective bargaining by providing unionized work forces protection from being permanently replaced or discriminated against for participating in a legal strike. It also ensures that American workers will not unjustly lose their benefits as a result of this unfair business practice.

Mr. Chairman, the hiring of permanent replacement workers continues to endanger our Nation's system of collective bargaining. Even more significantly, it endangers the long-term vitality of the American economy which depends on labor-management cooperation based on the mutual respect that comes from a relationship between equals. It is time to end the replacement of American workers with permanent strikebreakers. It is time to be fair to American workers. It is time for H.R. 5 to become law.

Mr. BERMAN. Mr. Chairman, I rise in strong and proud support of H.R. 5, the Workplace Fairness Act.

If ever there were a piece of legislation whose time has come, this is it. In fact, as I review the sorry history of the past decade, I can only conclude that this legislation is long overdue.

I have watched with growing dismay as American workers have agreed to major givebacks of hard-won wages and benefits, on the understanding that they would share in the turnaround when their companies' profitability was restored. Instead, when the time has come, they have been confronted with ultimatums. Take it or leave it, because we know that if you choose to strike, we can permanently replace you.

Clearly, an increasing number of employers view collective bargaining not as a means of negotiating wages and working conditions, but rather as a means of recruiting a younger, lower paid new work force—comprised, they doubtless hope, of workers less likely to join a union.

Leadership at the national level could have signaled to American employers that their interest, as well as the Nation's, lies with retaining a loyal and experienced work force. Instead, Ronald Reagan kicked off the 1980's by firing the air traffic controllers. Granted, theirs was an unlawful strike, but I don't think for one second that that was the sole basis for President Reagan's action. He wanted to send a strong and sure signal to American workers that the decision to strike might cost them their jobs, and to American employers that they could in effect fire striking workers, just as he did, with impunity.

As a result, what has for over 50 years been a rarely exercised loophole in the law, has now wreaked havoc on the lives and well-being of hundreds of thousands of American workers and the communities in which they live.

We are faced with a legal absurdity: under the National Labor Relations Act, employers cannot discriminate against employees exer-

cising their legal right to engage in an economic strike, yet employers can hire permanent replacements for their striking employees. New workers promised permanent positions are vested with an enforceable cause of action. And junior striking employees who cross picket lines may be retained and offered superior positions in preference to more senior strikers.

Don't tell me this doesn't destroy the right to strike.

As a former labor lawyer representing unions 20 years ago, I have followed closely the accelerating erosion of the remedies workers could avail themselves of when faced by employers who refuse to bargain in good faith. One by one, these remedies have been weakened. An entire new generation of lawyers has developed whose stock in trade is mastery of the delaying tactics which the Board has tragically sanctioned.

And of course over the years, the range of countervailing economic weapons has now almost thoroughly been denied to workers—from secondary strikes to consumer picketing to hot cargo agreements. All this at the same time that we preach the gospel of economic ambition—for employers only, so it seems.

Little wonder that observers have noted tartly that workers today have not so much a right to strike as a right to quit.

Tragically, the due bills have come in from a decade of Reaganomics, of takeovers, leveraged buyouts, and an entire range of economically and socially unproductive economic activities pursued by owners and investors with no loyalty to employees nor stake in the community.

Workers these days are expected to appreciate having a job at all. Concerted activity to improve wages and working conditions is seen as an act of ingratitude.

I hope that in considering today's vote, my colleagues will remember all the times we have as a body lamented the decline in U.S. productivity and competitiveness. Consider the terrible price we pay as a nation—not to speak of the price paid by thousands of individual American families—when loyal, experienced American workers are replaced, and often at best underemployed in new, lower paid and lower skilled jobs, if they are employed at all.

I do not want our children to have to relive the terrible history that pitted Americans against Americans, workers against their replacements. We understand and abhor that history as we have learned it from our parents and grandparents, and from our history books. Let us restore the means for peaceful resolution of worker and employer differences promised by the National Labor Relations Act. I urge passage of H.R. 5.

Mr. PACKARD. Mr. Chairman, I rise to urge my colleagues to vote against the striker replacement bill. This bill will upset the balance between management and unions by encouraging strikes.

This legislation would remove the seldom-used tool of replacing economic strikers permanently. It will also be disruptive to the use of collective bargaining to balance the interests of management and unions. As each side approaches the bargaining table, it knows it has something to lose if agreement is not reached and a strike results. Without the right to hire permanent replacements, employers will have very few alternatives if they are confronted with a strike. Some may even be forced to close down their operation or concede to the union's demands.

In addition, the bill before us today is yet another special interest bill which favors unionized workers who account for only 14 percent of the work force. Proponents of this bill claim that because the rates of unionization have declined, that current law is already tipped in favor of management. They have the equation backward. Union membership has declined because unions, except in a few instances, have outlived their usefulness.

I can only conclude that the end result of the striker replacement bill, if enacted, will be fewer jobs, lower productivity, an inability of American businesses to compete in the global economy, and an increasingly combative relationship between labor and management.

Mr. PORTER. Mr. Chairman, to protect the interests of striking workers and employers alike, our labor laws have maintained a clear and consistent distinction between two types of striking workers: those who walk off their jobs due to an employer's abusive labor practices—an unfair labor practices strike—and those who voluntarily strike for higher pay or increased benefits—an economic strike.

For over 50 years, the distinction between unfair labor practice disputes and economic strikes has been considered so essential to balanced labor relations that, until recently, it had never been questioned even by organized labor. But the bill before us banning permanent replacements—H.R. 5—would eliminate this distinction, dismiss any notion of equitable bargaining terms, and grant unions unlimited leverage during strikes and bargaining.

Because strikers in an unfair labor practice dispute have been forced to the picket line by an employer's illegal practices, they are guaranteed immediate reinstatement with full benefits after the strike is over. Current law recognizes that an employer who violates employees' legal rights should not be able to continue business as usual while operating outside the law.

When organized labor does resort to the economic strike, current law already prohibits discrimination based on union membership, mandates preferential rehiring of returning strikers with full benefits as vacancies occur, and makes illegal any promised preferential treatment of prospective employees.

However, Mr. Chairman, in an economic strike—such as a strike for higher pay—the law recognizes that an employer who has not broken the law—who simply disagrees with the union's economic demands—has the right to try to stay in business by rehiring replacement workers. To attract such replacements, it is often necessary to offer permanent employment. However, when a company does bring in permanent replacements, it is prohibited from offering them a better deal than it offers the strikers at the bargaining table.

Current law is intended to discourage every dispute from triggering a strike. When union members voluntarily walk away from $38,000 a year production jobs in Maine, or a $98,000 a year job as pilots, or $200,000 a year jobs as professional football players, they know that there is substantial risk that other workers might find such pay acceptable. Thus, an economic strike is a calculated risk on the part of the union. A union striking for economic demands, which may or may not be reasonable, should not be afforded the same immunity to risk of replacement given to workers whose legal rights have been violated by their employer.

Under the provisions of H.R. 5, unions would no longer have to weigh the risks of job loss against the reasonableness of their economic demand. Under this bill, strikers making any economic demand, no matter how outrageous, would have the same right to automatic reinstatement after the strike as workers protesting an employer's unfair labor practices.

A permanent replacements ban would abolish the mutual risk faced by opposing sides in an economic strike—the important mutual rise which pressures both management and labor toward compromise and conciliation, and makes both sides think twice about demands or policies likely to precipitate a strike. Labor policy for more than half a century has emphasized conciliation as the ultimate goal by making the strike a risky proposition for both employers and employees. H.R. 5 would effectively eliminate workers' risk during an economic strike and place all risk with employers, denying their right to try to stay in business.

H.R. 5 does not purport to correct some loophole or address some pervasive problem. Two General Accounting Office reports have shown that permanent replacements are used in only 15 percent to 17 percent of strikes, and affect less than four percent of all strikers. The infrequency with which employers have exercised the option to replace workers illustrates the balance of mutual risks under current law, which helps bring unions and management closer to reconciliation and continued productivity.

What the proposed legislation would do is allow unions to engage in no-risk economic strikes at a time when 73 percent of all Americans—according to a recent Time/CNN poll—believe that organized labor has either too much or just the right amount of power.

Disproportionate leverage for either management or labor is just bad public policy, and the proposed permanent replacements ban represents an unjustified shift of power to labor's side of the bargaining table. Strikes have always been an option of last resort. If enacted, H.R. 5 would make them the first.

I thank the Chair and I urge my colleagues to vote against this measure.

Mr. HASTINGS. Mr. Chairman, I rise today to announce my strong support for H.R. 5. This bill will restore a fair balance between labor and management while enriching the work environment for American workers. Since the early 1980s, all workers, both union and non-union, have suffered from wage decreases by almost 7 percent.

H.R. 5 will level the playing field in the American workplace. American workers do not decide to go on strike on a whim. A strike is usually viewed as a last resort, only to be taken if all else fails. Allowing employers to permanently replace workers who are exercising their legal right to strike eliminates the strongest weapon that these workers have in the collective bargaining process. As long as permanent replacement remains an option,

workers risk losing their jobs every time they engage in a legal strike.

It has been over 12 years since Ronald Reagan fired the air traffic controllers. Let us not let his message of bias working conditions prevail. American workers need this protection. We in the Congress can pass this legislation. I urge my colleagues to join me in voting for H.R. 5.

Mr. GEJDENSON. Mr. Chairman, as a cosponsor of H.R. 5, the Cesar Chavez Workplace Fairness Act, I rise today to voice my strong support for this important legislation.

I'd like to set the record straight about the Workplace Fairness Act. First of all, it's illegal to fire a worker for engaging in union activity. So what's the difference between being fired and being "permanently replaced"?

The law permits a striking worker to be permanently replaced. This loophole must be closed if America's working men and women are to have a viable option for action if their employers fail to bargain in good faith. Unless we close the loophole, there is no incentive for management to negotiate fairly with workers.

Since 1935, the National Labor Relations Act has protected the right of workers to join unions and to engage in collective bargaining. For collective bargaining to work, all parties must negotiate in good faith. There's no good faith when workers lose their jobs because they exercised their rights.

H.R. 5 is not antibusiness. While protecting the effectiveness of the right to strike, the Workplace Fairness Act also allows businesses to keep their operations going by hiring temporary replacements. But it is integral to the balance of labor-management relations that when a strike is settled, workers can return to their jobs.

I reject the notion that the Workplace Fairness Act encourages strikes. The decision to strike is not an easy one for America's working men and women. A strike means serious hardship, loss of income, strains family savings in order to pay their obligations, and causes tensions that hurt family relationships. It can take years to recoup these financial losses. Protecting the negotiating value of the right to strike will not make strike conditions easier for America's working families.

Passage of H.R. 5 will ensure the fairness and effectiveness of collective bargaining. H.R. 5 protects the rights of workers to negotiate for fair wages and safe working conditions. The bill also protects the rights of employers to hire temporary replacement workers during a strike in order to remain a viable business enterprise.

Support good labor-management relations and fairness in the workplace—support H.R. 5, the Workplace Fairness Act.

Mr. KENNEDY. Mr. Chairman, in 1981, Ronald Reagan sent a chilling message to organized labor in this country—if you go out on strike, your jobs are in jeopardy.

It is a simple message, but it is devastating.

And let me tell you, the workers of this country have gotten the message. More and more frequently, striking workers are being replaced on a permanent basis. Worse, the threat of permanent replacement is now part of one-third of all negotiations.

As long as business owners can effectively fire striking workers, and that's what being permanently replaced amounts to, they will continue to wield the balance of power in any labor-management negotiation.

This is not equity, nor is it fairness. Employers have the upper hand—it is as simple as that.

Opponents of this legislation have argued that this bill will change the present delicate balance on the scales of labor-management relations.

I, for one, certainly hope so. As it is, the American labor movement is outweighed and outgunned. They have been unilaterally disarmed. We need to change the balance in order to restore fairness.

Opponents today have argued that this legislation will be an invitation to strike.

This is a ridiculous claim. No worker wants to go out on strike. Strikes mean privation and hardship. They mean declines in family income. Strikes mean uncertainty and fear.

Workers do not choose to go out on strike. They are forced to. Nor do employees want to put their employers out of business—workers understand that their own economic success depends on that of their employer's.

If we are really going to move toward a new era of labor-management cooperation in pursuit of the goal of economic competitiveness, we must move together, with labor and management as truly equal partners. We cannot expect true cooperation, we cannot expect progress, if one side is dragged along with threats of retribution hanging over them.

The Cesar Chavez Workplace Fairness Act is important legislation, and I urge my colleagues to support it.

Mr. GILCHREST. Mr. Chairman, I rise in opposition to H.R. 5, and I request permission to revise and extend my remarks.

Mr. Speaker, Ross Perot, in his opposition to NAFTA, referred to "that giant sucking sound" of jobs going south of the border. While I disagree that Mexican wage rates will have a significant impact on where U.S. plants locate, today we are making "that giant pumping sound" of Congress squeezing U.S. businesses out of the country through excessive regulation.

Proponents of this bill claim it will: "Restore balance at the bargaining table." I would question when such a so-called balance ever existed. The National Labor Relations Act was passed in 1935, and the Mackay decision was handed down in 1938. Ever since, management-labor relations have been balanced between labor's right to strike and management's right to try to operate in the face of a strike. It seems far more plausible that this bill was designed to address the problem of declining union membership.

If this bill is passed, management will essentially have to purchase their labor from one source, and one source only, at whatever price is demanded, or else shut down. Is this someone's idea of balance? Real labor negotiations occur when both sides have a lot to lose. Currently, labor has to negotiate, or else risk permanent replacement. Management has to negotiate, or risk ending up like Eastern, or Greyhound, or dozens of other companies which have tried to replace striking workers and ended up bankrupt. That is the current balance.

But if this bill passes, management will have no bargaining power at all; they can give in, or shut down. As I said when we considered this 2 years ago, how would any of us feel if we had to purchase our gasoline from one source, at whatever price was demanded, or else not drive? There is no other market where we would consider giving sellers such market power.

Mr. Speaker, I am not an enemy of unions—I have belonged to several unions in my life, and I believe that they serve a useful purpose. When I leave Congress and go back to teaching, I may well belong to a union again. But we don't help unions by rendering businesses insolvent, and that's what this bill will do.

If you support real balance at the bargaining table, vote against this bill. If you're worried about businesses leaving the country, vote against this bill. If you're worried about jobs for your constituents, vote against this bill.

Mr. HERGER. Mr. Chairman, I rise in opposition to H.R. 5. I believe it wrongly shifts the current balance between labor and management, eliminating the neutrality of the Federal Government in labor relations.

The example of the Diamond Walnut strike illustrates why H.R. 5 should be rejected. Diamond Walnut and the Teamsters Union had good working relations for 35 years, but in 1991 a new team of union negotiators led a strike at the beginning of harvesting season.

The timing of such a strike is uniquely damaging to agriculture. Unlike most manufactured products which can be finished later, walnuts must be processed in the 2-month harvesting period or they will spoil.

Diamond has consistently provided generous wage and benefit packages and the company offered between 9- and 29-percent increases in the 1991 negotiations. The company also cooperated with Federal mediators, offering concessions which the union did not even allow its membership to vote on before proceeding with its damaging strike.

Companies in this situation must have some flexibility to hire replacement workers. All the cards cannot be in the union's hands. The Diamond Walnut case shows why H.R. 5 would be a bad law.

Mrs. FOWLER. Mr. Chairman, H.R. 5 is a step backwards in labor-management relations. Both the strike and the hiring of permanent replacement workers have been, and should be, the last resort for both sides in labor-management disputes. I believe in a worker's right to protest unfair labor practices and I think that negotiated settlements are in the best interest of workers and management alike. However, this bill completely disrupts this delicately crafted balance of power. H.R. 5 is fundamentally bad legislation and should be opposed.

I am concerned about the working men and women of this Nation and I recognize that this bill is not the equitable, pro-employee legislation its proponents would have you believe. Rather, it is special-interest legislation designed to give organized labor a powerful new weapon, upsetting the balance in collective-bargaining negotiations. H.R. 5 is special-interest legislation, as more than 88 percent of private-sector employees are not represented by a union.

Yet, all employers stand to lose under H.R. 5 because the law would apply to all union

and some nonunion companies alike. Unions will gain from the huge new leverage over employers the bill would give them. The result will be lost jobs. Lost jobs at a time when we should be promoting stability in our domestic workforce, security in employment and a focus on economic growth.

Under current law, employers are permitted to hire permanent replacements for workers who are on strike for economic reasons. Workers on strike because of employer unfair labor practices cannot be replaced. This distinction applies regardless of whether the workers are represented by a union. A worker's job is, indeed, protected under current law if he or she walks off the job as a result of unfair labor practices.

H.R. 5 guarantees that organized labor would always win at the bargaining table of labor-management negotiations. It would abolish the principle of government neutrality in labor-management relations, and further tie an employer's hands in the rapidly changing U.S. economy and the fiercely competitive global economy. This bill would remove all risk and balance from a decision to strike over economic issues. This legislation is not in the best interest of American workers. I urge my colleagues to vote "no" on H.R. 5.

Mr. PALLONE. Mr. Chairman, I am pleased to be here today as we vote on H.R. 5—The Striker Replacement Act of 1993. The Cesar Chavez Workplace Fairness Act protects our organized labor force from unfair discrimination in the workplace. I feel that Congress should reward the hard work and determination of our laborers by making collective bargaining more fair and not allowing companies to simply hire unskilled and untrained permanent replacement workers during a strike. Our country was built on the backs of labor, and I urge my colleagues to stand up and vote for H.R. 5 and show our country we still care about hard work.

Mr. Chairman, I submit for the record, that I am strongly in favor of the Striker Replacement Act. The Workplace Fairness Act will protect the right of workers to strike over economic issues for the first time since a 1938 Supreme Court decision—NLRB versus Mackay Radio—declared that to protect his business an employer may hire replacement workers for employees on strike. Our country could not exist without a high wage, highly skilled work force. Not until the 1980's and Ronald Reagan's firing of the air traffic controllers has this law been widely used. According to a GAO study, in nearly 17 percent of strikes reported to the Mediation and Conciliation Service in 1985 and 1989 employers hired permanent replacement workers. Combine this statistic with the 7 percent in real hourly wages since 1980 and we have a disproportionate relationship between labor and management. If we are going to continue to be an economic power in the world we need to reverse this trend. We need to have a work force that can be a factor in our economy and will have the ability to purchase the products they helped create.

Opponents of the Workplace Fairness Act will have you believe that passage of this bill will encourage more strikes. Mr. Speaker I submit to you that if wages decrease by another 7 percent in the 1990's we certainly will see an increase in strikes. Passage of the Striker Replacement Act will provide more confidence in the collective bargaining process, and workers will be on a more even playing field with employers. Stability will be created with passage of this bill. Workers will have the ability to express their concerns over their wages, without the fear of losing their job, or being discriminated against upon returning to their job. I urge my colleagues to vote for the Cesar Chavez Workplace Fairness Act. We need to be more responsible about creating wage equity in our society.

Mr. BUNNING. Mr. Chairman, I rise in strong opposition to H.R. 5, the so-called Workplace Fairness Act.

Mr. Chairman, this is a bad bill and the House should reject it. It's bad for American business, it's bad for the American worker and it's bad for the American economy.

Ever since the Supreme Court's MacKay Radio decision, our labor law has finely balanced the rights of employers and employees in labor negotiations.

Under current labor law, both labor and business have incentives to work together to help keep American business up and running. Both sides have powers that counterbalance the negotiating tools of the other.

H.R. 5 would topple this balance between business and labor. Instead of having to deal with the chance that employers might permanently replace striking workers, this bill would allow big labor to strike without any fear of serious consequences.

Labor could call a strike whenever it wanted, for whatever reason it wanted, and when all was said and done, the employer would have no choice but to take the workers back.

If workers threatened a strike, an employer would have two choices: give in to the demands, no matter what they were; or, endure a strike without any ability to defend himself.

In short, H.R. 5 would give big labor the ability to run over business with a Mack truck and then force business to hire back the truck driver.

Mr. Chairman, this isn't fairness—it's a mistake. One of he reasons we have the biggest, strongest economy in the world is because our labor law encourages business and labor to work together, not against each other. Our labor law recognizes that the interests of workers and employers are irrevocably intertwined and doesn't give one side more power than the other.

H.R. 5 is shortsighted legislation that will not promote comity between business and labor. Instead, it will promote chaos. It will cause more strikes and big labor will be able to grind the American marketplace to a halt. At a time when our economy is struggling to wrench itself from the grips of recession and when we continually hear about the need to compete in the international market, I just don't understand how anyone could vote for a bill that will cause so much chaos in the American marketplace.

Mr. Chairman, H.R. 5 is a misguided bill that deserves to be voted down. It will lead to more strikes, it will sour business and labor relations and it will hurt our economy. I urge my colleagues to vote against this bill.

Ms. HARMAN. Mr. Chairman, I rise in strong support of H.R. 5 and urge its passage.

Since coming to Congress, my primary mission has been to retain and build high-skill, high-wage jobs. If we are to build the economy of the future, our Nation has to come together and work as partners, not rivals. We need Democrats to work in partnership with Republicans. We need Government to work in partnership with the private sector. Most of all, we need management to work in partnership with labor. H.R. 5 is necessary to help build that vital worker/management relationship.

From the 1930's to the early 1980's, it was generally accepted that upon the conclusion of a strike, striking workers would return to their jobs. While management had the authority to hire permanent replacements, most managers chose not to permanently replace striking workers because of the very negative effect such action would have on labor relations within the company. The knowledge that workers would eventually come back encouraged both sides of a labor dispute to keep the negotiations within some reasonable bounds of cordiality. A tradition developed that kept labor disputes from becoming life or death struggles.

In the 1980's, that all changed. Many companies began permanently replacing striking workers. Many more companies used the threat of permanent replacement in their negotiations with labor. A tradition was ended and trust was broken.

Labor unions have played a vital and constructive role in the growth of the American economy. The American worker is the most productive in the world, an achievement for which unions can claim some credit. Permanent replacement of striking workers destroys trust and could, in fact, destroy labor unions themselves. The right to strike is a critical part of the collective bargaining process. But this right is meaningless if workers must put their entire livelihood on the line in order to exercise it.

To restore economic growth, we must restore and build trust. H.R. 5 will do this, and I intend to support this legislation and oppose efforts to weaken it.

Mr. KYL. Mr. Chairman, I rise in opposition to H.R. 5, The Striker Replacement Act. If enacted, this legislation will disrupt over 50 years of accepted labor law by prohibiting the use of replacement workers in economic strikes.

At a time when we should be looking for ways to create jobs and foster economic growth, the effects of H.R. 5 will be just the opposite. Our Nation's businesses will be seriously hurt. Many of them will be forced to close their doors forever as a result of this legislation.

Since 1938, the Supreme Court ruling National Labor Relations Board versus Mackay Radio & Telegraph Co. has prohibited employers from hiring permanent replacements during a strike if the employer is guilty of unfair labor practices. However, if a strike is for economic reasons, that is wages, benefits, and so forth, and the employer has bargained in good faith, permanent replacements can be hired.

The working result of this 50-year-old Supreme Court decision has been a basic balance between the needs of workers and the rights of employers. H.R. 5 will unravel this balance by skewing the bargaining practice in the union's favor, inevitably resulting in more

strikes, impaired labor-management relations, and threatened economic survival of many businesses.

I have heard from a number of business owners and workers in Arizona who know firsthand what the economic ramifications of the striker replacement legislation would be. I recently received a letter from the President of Holsum Bakery, Inc. in Phoenix AZ, which presents a perfect example of how H.R. 5 could devastate the average company in this country.

In short, in June 1991 the Bakers and Confectioners Workers Union was involved in a violent strike against Holsum Bakery. Prior to the strike, Holsum Bakery told its work force if it chose to reject the company's offer regarding wages, health care, and pensions, the bakery would be forced to hire permanent replacement workers. The benefit package subsequently refused by the union was apparently very attractive to other individuals in Arizona who either were out of work or whose wages were lower than those being offered by Holsum Bakery.

To stay in business Holsum Bakery was able to hire permanent replacement workers, even over the obstacles presented by a violent picket line organized by the union—over 160 acts of violence. If, however, Holsum Bakery was only able to hire replacements temporarily as a result of H.R. 5, the willingness of replacement workers to cross the picket line would have been sharply reduced; and, the bakery's ability to continue operating and providing local jobs would be seriously jeopardized. As Edward Eisele, president of Holsum Bakery, explains:

Do you seriously believe any of the people who were already employed at another job, who were seeking to earn more money and improve their station in life, would have been willing to cross a very violent picket line for a temporary job? Upsetting the very delicate balance which exists in a collective bargaining scenario by giving organized labor the unilateral power to force employers into untenable positions is exactly what H.R. 5 will do, and I urge you to vote against its passage.

Mr. Eisele's comments make a lot of sense and most Americans agree that Congress should enact legislation which affirms the right to work and create jobs—not just the opposite. Supporters of H.R. 5 say that American people support banning permanent replacements but a recent Time/CNN poll found that the majority—60 percent—of Americans would not favor a ban on permanent replacements.

Proponents of H.R. 5 also asserts this legislation is needed because the practice of hiring permanent replacement workers has increased dramatically over the past several years. The opposite is actually true. A 1991 General Accounting Office—GAO—study of replacement strikes revealed that only 4 percent of strikers were replaced in 1985 and 3 percent in 1989. And, according to a 1992 study by the Bureau of National Affairs, 74 percent of strikers who were replaced in 1991 had returned to their jobs at the time of the study.

So, under current law, there is a balance. Workers fighting unfair labor practices are protected and, at the same time, employers cannot be held hostage by unions with unreasonable demands. The occurrence of strikes has declined dramatically over the past 50 years, in large part because of the incentives the Mackay decision gives both labor and management to bargain a fair contract.

This balance in the negotiating process should not be altered. H.R. 5 will back American businesses into a corner and into agreements that may not reflect market realities. Labor costs will increase, with no guarantee that production levels will also increase proportionately. American businesses are trying harder than ever to cut waste and operate more efficiently in order to compete with foreign competition, both at home and in the global marketplace. H.R. 5 will be a giant step backward, putting Americans out of work and American companies at a competitive disadvantage.

Mr. Chairman, Holsum Bakery's Ed Eisele is asking me to do the right thing when he urges me to oppose H.R. 5. I urge my colleagues to join me in defeating this ill-conceived legislation and would ask that Mr. Eisele's letter be reprinted in the RECORD. Thank you.

HOLSUM BAKERY, INC.,
Phoenix, AZ, April 26, 1993.

Hon. JON KYL,
House or Representatives, Washington, DC.

DEAR MR. KYL: I am writing to express opposition for H.R. 5, the Anti-Striker Replacement legislation.

Recall that in June, 1991, we suffered a very violent strike which was brought about by the Bakers & Confectioners Workers Union against our company. Prior to this strike, we put a proposal on the table which matched—to the penny—the union's wage demands, we agreed to numerous contract changes, yet we could not agree to a very expensive health and welfare plan that would have forced us to pay approximately $550 per month per person for health converage—almost double the previous year. Also, because of what we considered to be a very inadequate defined benefit pension plan that we had paid into for years, we suggested we take the same hourly contribution of $1.34 per hour and create a new defined contribution pension plan which would benefit our people and their families greatly. In spite of the fact we invited all of our work force to come in, on a private basis, bring their spouse, their lawyer, whomever they wished, to at least hear what our side of the pension issue was and why it would definitely benefit them and their families, less than 10 (out of over 180) people came in to listen and then make up their minds as to which choice would be best. Would it surprise you to know most of those people who did come in to hear about the pension plan came back to work shortly after the strike commenced?

Prior to the strike, we told all of our work force that if they chose to reject our offer, we would be forced to operate the business to meet the needs of our customers. The only way we could do this was to hire replacement workers on a permanent basis. Thus, when the strike was announced, we began hiring permanent replacements. As we both know, this benefit package was quite attractive to Arizona people who were either working at another job for less pay or were unemployed at the time our bakers walked out. Do you seriously believe any of the people who were already employed at another job, who were seeking to earn more money here and improve their station in life, would have been willing to cross a very violent picket line (over 160 acts of violence) for a temporary job? Upsetting the very delicate balance which exists in a collective bargaining scenario by giving organized labor the unilateral power to force employers into untenable positions is exactly what H.R. 5 will do, and I urge you to vote against its passage.

Should you have any questions regarding this legislation whatsoever, I would be more than happy to discuss these issues with you at length. Having lived through what the police say was one of the most violent strikes in the history of the State of Arizona, I've had front row seats to know what the consequences will be for all employers in this country should you make the fatal mistake of approving this legislation for what everyone seems to consider will be political reasons. Political reasons will not help our domestic marketplace or our world competitiveness whatsoever.

Sincerely,

EDWARD EISELE,
President.

Mr. BUYER. Mr. Chairman, I have always supported the right of workers to organize and will always work to protect that right. I believe that workers have the right to strike over economic and safety concerns just as I believe that management, during an economic strike, should have the right to hire replacements.

During an economic strike business should have the ability to keep the company running using any means necessary, whether it be using replacement workers, management, or employees from other locations.

Our labor laws contemplate risks and incentives that are essential to the dynamics of collective bargaining. It is my belief that the practicality of the effects of H.R. 5 implementation, make it an unreasonable option in today's highly skilled work force.

The changes H.R. 5 would make in labor law upset the delicate balance in existing law. Workers must have the ability to strike while management must have the right to hire replacements. I fear this legislation would bring an increase in strikes and possibly result in the loss of business because of the time and cost of training temporary employees.

In today's highly skilled work force, training a temporary employee is unrealistic. There is no incentive for a temporary employee to cross the picket line under H.R. 5. The long-term effects of this legislation could result in fewer businesses, increased unemployment, and ultimately a declining economy. Clearly, these results are not in the long-term interests of labor, either.

The debate on H.R. 5 has been characterized as having only two choices: either we can ban the use of permanent replacements or sustain the status quo. I believe it is time to move this all-or-nothing, win-lose approach to a win-win approach. I support the Ridge amendment, as it forces both sides to immediately come together to discuss a fair solution to the dispute; however I realize that it does not address how H.R. 5 overturns the 1989 Supreme Court decision.

H.R. 5 also discriminates against fellow workers because it overturns the 1989 Supreme Court decision. I do not support the discrimination of American workers. This bill permits discrimination against workers who, although they may support the strike, need to go back to work for economic necessity. I think of the single mother who supports the

strike but must return to work for economic reasons. Any seniority, promotions, or other benefits she received during the strike are automatically rescinded upon the conclusion of the strike.

At a time when we need to make American business stronger, this legislation will make American business weaker. At a time when we need to keep the fair balance between management and labor, this legislation tips that balance toward labor. At a time when we need to keep the possibility of strikes at a minimum, this legislation will increase the possibility of strikes. Therefore, I cannot support H.R. 5 as it is bad for Indiana's Fifth District, bad for the American worker, and bad for American business.

Mr. FRANKS of Connecticut. Mr. Chairman, I have heard H.R. 5 referred to by many different names since I arrived in Congress. However, no matter what H.R. 5 is called, this bill will radically alter the balance between management and labor, encourage more strikes, and ultimately destroy jobs. Coming from a labor relations background with several Fortune 500 companies prior to my election, I feel I have a good understanding of the collective bargaining process. I believe that this process is fair and equitable and has worked well for more than 50 years. This situation will change if H.R. 5 becomes law.

Any strike disrupts our national productive capacity and results in the loss of jobs in the economy as a whole. If businesses can no longer permanently replace workers who strike for economic reasons, they are likely to be the victims of strikes more often.

H.R. 5 would take away management's economic weapon while leaving labor with the ability to exercise its right to strike. In effect, this bill will undermine our system of collective bargaining. Employers will no longer be able to keep their businesses operating if workers are given the opportunity to strike without market risk.

Under current law, an employer is already prohibited from hiring permanent replacement workers in a strike conducted over an unfair labor practice committed by that employer. However, expanding that prohibition to economic strikes will take away the incentive for unions to bargain for an agreement fair to both sides.

At a time in which Congress should be working to improve our national economy by reducing the tax and regulatory burden on businesses, the majority party continues to push bills that strangle the businesses that create jobs. H.R. 5 is another one of those bills.

Mr. POSHARD. Mr. Chairman, I again want to express strong support for H.R. 5, now known as the Cesar Chavez Workplace Fairness Act. In supporting this bill, as I did in the previous Congress, I am speaking in behalf of the working men and women of this country.

It is very unfortunate when the collective bargaining process does not produce an agreement to which both labor and management can agree. But, in instances where organized labor unions have the legal right to strike as part of the negotiating process, I am unwilling to see that right ignored by giving management the opportunity to permanently replace these workers.

In the face of some very difficult circumstances today, where companies often are not the local operations they once were, but are huge international conglomerates with little attachment to the people in the shops and factories, American workers continue to fight for decent wages, benefits, working conditions, and standard of living. However, more and more they are losing the fight. They are losing the unfair competition from abroad, and an attitude of disrespect here at home.

It disturbs me a great deal to hear people say the unions have lost touch with modern times and have outlived their usefulness. The progress earned inch by inch over the years by unions dedicated to improving the quality of life for their members has insured that our workers don't come home maimed or killed at the same rate we once saw. American workers decided they were not going to accept those conditions or let management squeeze the extra penny of profit out of their pain and misery.

Until a dozen or so years ago, unfair labor conditions could be negotiated into equitable working situations. In contrast today, too many companies don't hesitate to move to permanent replacement workers if the union is not willing to live under a take it or leave it order. The bottom line is corporate profit. This attitude is what makes passage of H.R. 5 imperative. In view of these ruthless circumstances we can do nothing less than to vote for this legislation to reverse current trends and restore a fairer and more equitable system of labor relations.

Mrs. LLOYD. Mr. Chairman, I rise in support of H.R. 5, noting the incorporation of language into the bill clarifying that the legislation does not apply to nonunion employers.

This legislation is needed to address the deteriorating relationship between labor and management that has become more acute in the last 10 years. It is needed to restore the balance established over the last 50 years that brought this country prosperity. Unfortunately, faults on both sides have brought us to this point today.

I am sympathetic to the concerns the business community has raised over H.R. 5. I realize that a company subjected to a strike suffers from lost productivity and profits. We are all concerned with America's competitiveness and we understand that our businesses face unfair practices from overseas. American business must have the flexibility to respond to foreign challenges. However, our toughest competitors, Japan and Germany, do not allow employers to permanently replace striking workers.

To understand the need for this legislation we need to consider some of the startling occurrences that have brought us to this point. Over the last decade, some major employers have shown a loss of loyalty to long-term workers who have helped build companies and communities. They have rushed to abandon or drive out employees when their own short sightedness left their industry less than competitive. Their willingness to sacrifice American wages and workers has left real wages lower now than in the 1960's.

These are tough economic times for our Nation's families. Many American workers have their backs against the wall in bargaining for just wages, working conditions, and health and pension benefits. Strikes are a last resort and are as difficult for workers and their families as they are for businesses. Businesses and labor should be able to discuss these issues in a constructive manner, but workers who take the painful step of initiating a strike should be able to do so secure in the knowledge that management will honor their legal right to do so.

We must foster an agreeable working relationship between labor and management that restores cohesiveness to the work place. I hope that passage of H.R. 5 will allow us to pursue that objective.

Mr. LEHMAN. Mr. Chairman, as an original cosponsor of H.R. 5, I rise today to voice my strong support for the legislation introduced by my distinguished colleague from Missouri, BILL CLAY. I would like to commend Congressman CLAY for his hard work in bringing this important measure to the floor today, which is designed to level the playing field during the collective bargaining process.

The bill before the House today, H.R. 5, amends the National Labor Relations Act [NLRA] and the Railway Labor Act [RLA] to prohibit employers from hiring permanent replacements for workers who are striking over economic issues, such as wages, benefits, and working conditions. The bill also prohibits employers from giving any employment advantage to a striking worker who crosses a picket line to return to work before the resolution of the strike.

The measure stipulates that its provisions apply only to qualified labor organizations certified by the National Labor Relations Board [NLRB] or those who have applied to the NLRB at least 30 days prior to the strike. The bill is intended to restore an equitable relationship between labor and management groups in the collective bargaining process.

As a proud representative of the great State of California, which is home to the Nation's largest and most productive work force, I believe that the collective bargaining process can only succeed if labor and management can engage in negotiations as equal partners. The mentality of the 1980's, with an emphasis on short-term returns at the cost of sacrificing an experienced and loyal work force, cannot prevail in this new decade as we struggle to revitalize our stagnating economy.

H.R. 5 is an essential measure in our struggle to remain competitive in the world market. The success of nations like Japan and Germany, who guarantee their workers the right to reinstatement after a strike, affirm the fact that this bill is a positive step toward a more competitive place in the world market and toward rejuvenating our economy at home.

H.R. 5 should be enacted now because the American worker has been neglected too long and our economy can never grow without the good will and well-being of laborers and managers alike.

I urge my colleagues to support H.R. 5 because this legislation is a vital step in empowering the American work force, which is the essential lifeline of this great Nation.

Mr. POMBO. Mr. Chairman, the House is presently considering throwing out a labor law that has helped to maintain the delicate balance of power between labor and management for more than half a century.

Some of my colleagues argue that a labor dispute involving Diamond Walnut Growers, Inc., of Stockton, CA, which is located in my district, provides a good example of why H.R. 5 should be enacted. I don't buy it. In fact, the Diamond Walnut case provides good reason to preserve the current balance between labor and management.

The hard facts are that hiring permanent replacement workers was the only way Diamond was able to operate in September 1991, when its regular workers chose to strike at the beginning of its critical walnut harvesting season.

Without replacement workers, Diamond and its more than 2,000 growers—many of whom are family farmers—would have suffered a tremendous financial loss.

By crossing the picket line in order to work for Diamond Walnut, the replacements needed assurances that their positions would be more than temporary. It is very difficult, if not impossible, to attract employees when they are told from the outset that they have no job security whatsoever.

Diamond Walnut offered these workers permanent replacement status under the National Labor Relations Act as the only way to avoid wasting an entire harvest and hurting many people dependent on that crop.

It is important to remember that it is the exception, rather than the rule, for management to exercise its right to hire permanent replacements, just as going on strike is a measure of last resort for most labor unions.

Most disagreements between labor and management are handled not on a picket line, but at the bargaining table.

I fully support the collective bargaining process. I support the legitimate rights of both labor and management; however, H.R. 5 is simply not fair.

Mr. STOKES. Mr. Chairman, I rise in strong support of H.R. 5, the Cesar Chavez Workplace Fairness Act, and I urge all my colleagues to support this legislation to restore a balance between the interests of labor and management. Let me pause for a moment to commend my colleagues, the gentleman from Michigan, BILL FORD, and the gentleman from Missouri, BILL CLAY, who have worked tirelessly for many years to protect the rights of American workers and restore fairness to labor-management relations. As a result of their leadership and determination, we have before us a measure that will ultimately benefit both management and America's working men and women.

I also want to take this opportunity to say how pleased I am that this bill has been named in honor of a truly great American, and one of the greatest labor leaders this country has ever had, the late Cesar Chavez. As a man who followed the teachings and examples of Gandhi and Dr. Martin Luther King, Jr., Cesar Chavez did more to help our Nation's farmworkers than any other individual. For over 30 years, Cesar Chavez committed his life to improving the life of migrant workers and other farmworkers. Many of us will remember Cesar not only for his great efforts on behalf of farmworkers but also for leading the crusade to give a strong voice to the Hispanic community, and challenging America to no longer ignore their plight. I believe that naming the Workplace Fairness Act in honor of Cesar Chavez is an appropriate tribute to a great man.

Mr. Chairman, the National Labor Relations Act and the Railway Labor Act were intended to establish a neutral framework for the collective bargaining process. H.R. 5 will help restore that delicate balance, which has been tipped dramatically in favor of management in the last decade. As a result, the working men and women of America, union and nonunion alike, have suffered from declining real wages over the last decade.

According to information from the Bureau of Labor Statistics, real hourly wages have dropped almost 7 percent since 1980, and are now below the 1965 level. A prime reason for this decline is that management's position has been strengthened over the past decade because of the increased use, or threats to use, permanent replacement workers. While this strengthened position has not led to a more internationally competitive U.S. economy, it has led to a much more unfair distribution of income in this country. An important reason for the decline in real wages is that employers have more frequently resorted to hiring permanent replacements for strikers, dragging down the wages of all workers, whether union or nonunion.

The Cesar Chavez Workplace Fairness Act prohibits employers from hiring permanent replacements for workers who are striking over economic issues, including wages, benefits, and working conditions. H.R. 5 also prohibits employers from giving any employment advantage to a striking worker who crosses a picket line to return to work before the end of a strike.

Enactment of this legislation will end the anomaly in current Federal labor law which, on the one hand, prohibits employers from firing workers for taking part in a lawful strike but, on the other hand, permits the employer to permanently replace striking workers. Whether it is called being fired or be permanently replaced, the meaning and effect are the same; the employee loses their job and their livelihood merely for exercising their legal rights.

Workers do not make the decision to go on strike easily, or lightly. To workers, a strike is a weapon of last resort, when negotiation is no longer possible. Workers risk everything when they choose to strike; their homes, their families, and their futures. They risk going for days, weeks, or even months without a paycheck, for the principle of decent wages and a safe workplace. Contrary to what some may say, H.R. 5 will not encourage more strikes, because every worker knows that choosing to strike is choosing economic hardship, at least temporarily. However, H.R. 5 will allow workers to choose to exercise their legal right to strike without fear of intimidation, discrimination, or retribution from their employer.

The Cesar Chavez Workplace Fairness Act is a compassionate, reasonable bill which will restore fairness to the employee-management relationship. I strongly urge all my colleagues to support H.R. 5, and preserve our Nation's collective bargaining system.

Mr. GONZALEZ. Mr. Chairman, I rise today in strong support for the Cesar Chavez Workplace Fairness Act. Throughout my years in Congress, I have always supported the rights of working men and women in this country and have been a long-time supporter of this legislation to guarantee the right to strike.

I remain firm in the conviction that working people have a fundamental right to protect and enhance their own well-being. All power of working men and women to do so derives from their ability to withhold their labor—that is the right to strike.

The past 50 years of labor-management relations has been governed by the collective bargaining process. This process has been based on a balance of powers between labor and management. A vital part of this equation is the right of workers to strike, as set out in law by the National Labor Relations Act of 1935. If employers can permanently replace workers who exercise this right, the right to strike is in all actuality taken away from the employees, leaving them only with a right to be fired.

If relations between workers and employers are supposed to be based on good-faith negotiations and a balance of power, this abridgement of the right to strike undermines the most basic underpinnings of the entire collective bargaining system.

What has changed, especially over the past 10 years, is that the rights and well-being of working people have come under increasing attack. Employers, encouraged by the example of Ronald Reagan, have more and more used permanent replacements, or even the mere threat of them, as a weapon against labor in order to exact concessions in wages and benefits during contract negotiations.

Employers have been able to do this because the deteriorating economic conditions in the United States have left millions out of work or underemployed. This situation will only worsen if the proposed North American Free Trade Agreement is passed. Already, thousands of factories have moved to Mexico from the United States. Under NAFTA, United States companies will be able to threaten to move operations to Mexico if workers go out on strike. If the rights of working people are not guaranteed, they will continue to be attacked and eroded, resulting in greater economic hardship, lower standards of living, more people in the unemployment line, and more families on welfare.

We should be clear about what is under consideration here. Although those who oppose this bill try to cloak their opposition to the right to strike in some arcane footnote of a past Supreme Court decision or wild doomsday threats of massive strikes, what they support in fact when they oppose this legislation and support NAFTA is an attack on the working people of this country.

I urge my colleagues to vote in favor of this vital bill to guarantee the rights and well-being of the working people of this country.

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of the bill, H.R. 5, as amended, is as follows:

H.R. 5

Be it enacted by the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cesar Chavez Workplace Fairness Act".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or", and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or to take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

"(I) was the certified or recognized exclusive representative, or

"(II) at least 30 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed, or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 3. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a) after "Fourth."; and

(2) by adding at the end the following:

"(b) No carrier, or officer or agent of the carrier, shall—

"(1) offer or grant the status of a permanent replacement employee to an individual for performing work in a craft or class for the carrier during a dispute which involves the craft or class and which is between the carrier and the labor organization that is acting as the collective bargaining representative involved in the dispute; or

"(2) offer or grant an individual any other employment preference based on the fact that such individual performed work in a craft or class, or indicated a willingness to perform such work, during a dispute over an individual who—

"(A) was an employee of the carrier at the commencement of the dispute;

"(B) in connection with such dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through the labor organization that is acting as the collective bargaining representative involved in the dispute; and

"(C) is working for, or has unconditionally offered to return to work for, the carrier.".

The CHAIRMAN. The amendments recommended by the Committee on Education and Labor printed in the bill are adopted.

No further amendments are in order except the amendments printed in House Report 103–129, which may be offered only in the order printed and by the naked proponent or a designee, shall be considered as read, and shall not be subject to amendment. Debate on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

AMENDMENT OFFERED BY MR. EDWARDS OF TEXAS

Mr. EDWARDS of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EDWARDS of Texas: Page 4, line 2, strike "organization" and all that follows through "representation proceeding," on line 11 and insert "organization was the certified or recognized exclusive representative;"

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. EDWARDS] will be recognized for 15 minutes, and a Member opposed, the gentleman from Michigan [Mr. FORD], will be recognized for 15 minutes.

The Chair recognizes the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman and Members, this amendment deals with one basic question that each Member of this House must ask himself or herself: Do you want this bill to protect nonunion workers and nonunion companies from being able to strike and be protected by this measure? If you answer that question "yes," then you should oppose my amendment.

Let me be very clear and let me emphasize this point. If you vote "no" on this amendment, you are basically saying that you want the striker replacement legislation to apply to and to protect nonunion employees in nonunion situations; if, like many Members both opposed and supporting this legislation, you think this bill should only apply to unionized employees, certified unionized employees, you should vote "yes" on this amendment.

The effect is to say that if you are not a unionized company this bill is not going to directly affect your employees. As written, and, Members, look at the bill, page 4, lines 5 to 11, as written, this bill would allow nonunion employees to strike even before workers have even voted to have a union certification election, before it has even been determined what is an appropriate bargaining unit, and before it has ever been determined what union, if there is going to be a union, would represent those employees. I suggest that is not the understanding that many Members of this House had in indicating support for this bill.

Finally, let me say that I know there is some discussion about legislative strategy, do we vote against this amendment because we want the bill to be as bad as we can to affect it in the Senate. To Members opposed to this legislation, let me say that if you oppose this amendment you are saying "yes" that if this becomes law it should apply to nonunion members, employees, and nonunion companies.

Mr. Chairman, I reserve the balance of my time.

Mr. FORD of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and members of the committee, I want to make it very clear that I have talked to the proponent of this amendment a number of times today, and I think he is very sincere in his amendment and what he believes the amendment would do and what he believes is the necessity that his amendment addresses.

□ 1550

Unfortunately, I feel he is mistaken in those beliefs and that what we have here is an amendment that would go to a bill that has as its primary purpose the closing of a loophole that lurked for decades out there and was ignored by labor relations people on all sides for many years, quite wisely in my opinion, until fairly recently. We started out saying we ought to close that loophole because it is a temptation for people to stir up litigation and difficulty that otherwise we could avoid.

I am fearful that the adoption of the gentleman's amendment opens a new kind of loophole that would be the same kind of a temptation for people to find an alternative to the peaceful resolution of their differences.

The purpose of the Edwards amendment is to give employers the unfettered right to hire permanent replacements in recognitional strikes.

Now, one of the problems we have is that the amendment that was put in the bill 2 years ago at the request of the present proponent of the amendment and others is now being amended by the Edwards amendment to strike from that amendment the language that appears on page 4 of the bill, lines 5 through 12.

Now, that got in the bill 2 years ago on the floor when we accepted the language that they thought would get to where I believe Mr. EDWARDS sincerely wants to go today.

Now they feel that it does not accomplish its purpose, and so they want to take part of it out.

The difficulty we have is that in trying to find that moment, that instant, the magic moment when you are either a union or a nonunion member. They have not found the right definition yet, and I am not so sure that I can write their amendment better than they have written it. So, it is no criticism of the draftsmanship.

Unfortunately, Mr. EDWARDS and I did not have an opportunity this time to work together as we did 2 years ago

on this amendment, and I am every bit as much at fault on that as anybody else. But I have to tell you honestly, as I told him a little while ago, "I can't get angry with you, Mr. EDWARDS, because we didn't get together, because I am not sure that I am smart enough to write what you think you want to do well enough to make it work."

Now, I am willing to admit that I do not know how to get the magic words to make it work. The thing that is kind of unfair, however, about his presentation is the suggestion that this legislation would somehow empower nonunion work forces with the same rights as if they belonged to a union. That is not true. I do not think he means to be understood that way, but you could very readily understand what he said about the question being whether nonunion employees are covered or not covered in that light.

The question is the difference between his view and my view of when you become a union employee.

Now, recognizing that recognition strikes, which are limited to 30 days' duration and after a waiting period, are not used by very many people and very often, but nevertheless are used, we in the bill said that if you are talking about the use of the recognition strike, you must have a petition for union representation in the bargaining unit signed by a majority of the workers. The existing rules of the NLRB only requires 30 percent of the workers to sign for the process. And most union members believe that, as this process goes forward, until such time as there is a breakdown in the process, they are members of the union that they are ultimately going to have representing them.

I have taken the time to check since we started this morning and find that in only about 15 percent of the cases of petitions for recognition does the employer bother to ask for a hearing before the National Labor Relations Board.

If that is the case, why such a big deal? Because, like a lot of other laws, we do not end up writing the law for what the majority of people of goodwill do, we have to write the law for the lowest common denominator, the chiseler. And the chiseler will take advantage of circumstances, as they have been doing in recent years, to prolong this process for as much as 3 years. Now, usually this whole process is over in 4 to 6 weeks. But it is only the goal of the law.

The fact of the matter is that, given the right combination of somebody who wants to operate on the slim margin of the technical requirements of the law instead of the intent and purpose of the law, you can stretch this process out for 3 years.

And so, under the gentleman's amendment, during that 3-year period he would not consider the people who were waiting to bargain with the employer to be union members. By all interpretations of the present law, they would be.

The practical effect of his amendment would be to turn those who presently consider themselves union members into virtual nonunion members. They would be second-class citizens under this law if it was amended by the Edwards amendment.

Now, we did not start out to disadvantage people who were trying to be represented by a union; we did not set out to force anybody to join a union, and we do not believe that our amendment to the National Labor Relations Act, in the form of H.R. 5, does either of those things. I cannot tell you that the Edwards amendment might not do both of them. And I do not think that is what Mr. EDWARDS wants any more than I want it.

I really do not in any way suggest anything but the finest of motives on the part of Mr. EDWARDS, and I know that he voted for this bill 2 years ago in good faith after we amended it as he and others had requested, and he has had time to look at it and feel that further amendment is necessary.

Well, this time I cannot go as far as he wants to go.

So there is no animosity between him and me with respect to this issue, and I do not ascribe any ulterior motive or sneakiness to this at all. I do not want anything I have to say to be construed in that fashion. I just have to tell you I think it would be very unwise for us to inadvertently create a new loophole that would cause new kinds of problems while we are trying to solve other problems.

For that reason I have to oppose the amendments and ask the Members to vote against it.

Mr. Chairman, I reserve the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, I thank the gentleman for his very kind comments, and I want to express my appreciation for his graciousness in working with us under the very short time fuse on this issue.

Mr. Chairman I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman from Texas [Mr. EDWARDS] for yielding to me.

Back when I had a real life, I was an NLRB attorney. And so, therefore, I probably know more about this stuff than I ever wanted to know.

I think the gentleman's amendment makes a lot of sense, mainly because it draws a very, very bright line. What he does is just drop the second paragraph about the recognition disputes before they have been decided. And I think it is very hard to say someone recognizes you before you have really been decided that that union does recognize you.

I remember how complicated so many of these cases would be. Sometimes the cards that were turned in were found to be fraudulent because somebody got excited; sometimes employees changed their minds, and all sorts of things.

□ 1600

So if we adopt the gentleman's amendment, what it says is either the organization has been certified and recognized as the exclusive representative, or H.R. 5 does not apply. It is an either/or situation. It is a bright line. It is not a fuzzy line, and therefore I think it is much easier to implement. Now, some of these things that the distinguished chairman was talking about are absolutely true, but that is not the fault of anybody except the NLRB and now it has been allowed to slide down the slippery slope. It is like nailing jelly to the wall to get the NLRB to do any thing in the last 12 years. They have been very hesitant and they have really yielded mostly to employers' wishes.

Hopefully those days are over. I think keeping this very clear line so that people understand it will make a big difference.

One of the biggest problems we get into here is trying to be just a little vague to cover the broadest possible situations and then we end up with all sorts of bad law that we do not need on the books.

So I encourage people to look at the gentleman's amendment and support the gentleman's amendment. I think it is the right way to go.

Mr. EDWARDS of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Texas.

Mr. Chairman, like many of my colleagues, I have been contacted by a number of business-people expressing great concern about the scope of this bill As we know, this bill includes a provision that covers disputes between employees and their employer before any union has been certified or recognized as the bargaining agent for those employees.

Mr. Chairman, the business community has communicated its concern that this provision of the bill goes beyond protecting the legitimate rights of workers and will act as a Government sponsored recruiting device for labor organizations. I, too, am concerned that language in this legislation is unclear in regards to its protection of union and nonunion workers.

Mr. Chairman, in 1991 I supported the Workplace Fairness Act and I support it now because I believe that employees should not be fired, "permanently replaced", for exercising their right to join a union and engage in a lawful strike. However, it was also my under-

standing then that this legislation would apply to unionized employees only. This amendment would clarify any ambiguity in this area.

While I support this major thrust of H.R. 5, I believe that the business community has expressed a legitimate concern about this bill that we should address here and now instead of waiting for action by the other body. I urge my colleagues to support this amendment.

Mr. Chairman, as the gentleman may know, Georgia is a right-to-work State. Businesses in the Seventh District of Georgia are mainly nonunion. But some communities in Georgia have in the past been torn by strikes and permanent replacement firings. When the Eastern Airlines strike and bankruptcy occurred, thousands of families in Georgia lost their income; many lost their homes and retirement benefits. As Eastern's former employees attempted to make use of social services, the cost of job retaining and other services strained the resources of the local community and State.

Mr. Chairman, I believe that situations such as the Eastern Airlines strike and bankruptcy should be prevented. An individual worker who happens to be a member of a union should not be fired as the result of events that he or she often has no control over. I have always hoped that the legislative process that has brought H.R. 5 to this point would address these egregious instances of labor strife while fully respecting the small and nonunion businesses that are so very important to Georgia and the Seventh District. We have the opportunity to do what is fair and also encourage cooperation between employers and employees. Again, I urge my colleagues to adopt this amendment and continue to work for effective and balanced legislation in this area.

Mr. EDWARDS of Texas. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Texas [Mr. GEREN].

Mr. PETE GEREN of Texas. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Texas [Mr. EDWARDS].

Over the years that this piece of legislation has been debated, there has been confusion over whether or not it does or does not apply to workers in a nonunion workplace setting. We have been told that it does not.

Last year there was an effort to craft an amendment that would insure that it did not apply.

We have really three categories of workers. That is something of an oversimplification, but basically three categories of workers.

There are nonunion workers, workers who are not in an organizing phase.

There are nonunion workers who are in an organizing phase, and union workers.

Under H.R. 5 as it is presently written, it will cover the nonunion workers in an organizing phase and the union workers in a regular union shop.

If the amendment of the gentleman from Texas [Mr. EDWARDS] passes, it will insure that H.R. 5 does not apply to the nonunion workers in the organizing phase. I believe that is the understanding that many Members had of this bill all along.

I urge Members to support the amendment of the gentleman from Texas [Mr. EDWARDS]. It will clarify that this bill only applies to union workers in a union setting.

I believe it is an improvement in this bill, a bill that I think does tilt the balance against the American worker.

I do not support H.R. 5 as currently written or as amended, but the amendment of the gentleman from Texas [Mr. EDWARDS] will make the bill better.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield to me?

Mr. PETE GEREN of Texas. I will be glad to yield if I have the time.

The CHAIRMAN. The time of the gentleman from Texas [Mr. GEREN] has expired.

Mr. FORD of Michigan. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas.

Mr. PETE GEREN of Texas. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, I would like to ask a question of the gentleman. I do not remember ever doing this before, I say to the gentleman from Texas [Mr. GEREN], but the gentleman voted against the bill 2 years ago, and I am sure the gentleman had good reason for it. I expect the gentleman to vote against it now.

If the Edwards amendment is adopted, will the gentleman vote for the bill on final passage?

Mr. PETE GEREN of Texas. No, I will not.

Mr. FORD of Michigan. Well, that is the answer.

Mr. PETE GEREN of Texas. I do not support H.R. 5, but if the amendment of the gentleman from Texas [Mr. EDWARDS] passes, the bill is better.

Mr. FORD of Michigan. But not enough better to get the gentleman's support?

Mr. PETE GEREN of Texas. No. In fact, there will be other speakers who will speak over the course of the next several minutes who share my opinion. They will vote against the bill on final passage, but they do believe the Edwards amendment will improve the bill so that it does not go as far as is currently written.

His amendment clarifies what many people thought was the original intent of the bill. It would not apply to nonunion workers.

Mr. FORD of Michigan. Well, Mr. Chairman, I thank the gentleman for his frankness, because I wanted to be sure if by opposing the Edwards amendment I was not losing the gentleman's vote on final passage.

Mr. PETE GEREN of Texas. The gentleman can be sure of that.

Mr. Chairman, I urge Members to support the Edwards amendment.

Mr. FORD of Michigan. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise today in support of the Cesar Chavez workplace fairness bill; and opposed to this amendment.

Today is the day to stand up for the American worker. We can show the workers of Eastern Airlines, Greyhound, and too many others that their struggle was not in vain. We can finally put an end to the 12-year legacy of antagonism and antiworker tactics.

It has been more than 4 years since I introduced one of the first bills to ban employers from permanently hiring replacement workers. We needed it then. We need it now. Workers going on strike should not have to put their jobs at risk—and the security of their families—as a price for fighting for fair pay, effective health benefits, and safe working conditions.

As a former regional director of the Department of Labor, in a Republican administration, I tell you this is vital to the integrity of the collective bargaining process. Do the right thing and vote against this amendment in and support of H.R. 5.

Mr. EDWARDS of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. EDWARDS]. In my view, this is an argument about semantics and not about policy. The policy of H.R. 5 is clear. This legislation does not and is not intended to cover nonunion workers. In fact, H.R. 5 has not covered nonunion workers since the adoption in committee of the Williams-Boehlert amendment in the last Congress. That amendment was later clarified on the floor by the Peterson amendment which was repeated verbatim in the bill as introduced in the 103d Congress and remains a part of H.R. 5 today. In my view, the Edwards amendment is wholly unnecessary as a matter of policy and may produce unintentional, mischievous results if adopted.

Under the bill as reported, employees must file a certification petition and must have majority support for that petition 30 days in advance of a labor dispute to be protected under H.R. 5. If the petition is not otherwise contested by the employer, the NLRB can easily and regularly conduct elections within 30 days. In the event the union loses the election, the employees remain unprotected by H.R. 5.

Under the Edwards amendment, employees remain unprotected by H.R. 5 unless and until a union has been certified by the NLRB. The purpose of the Edwards amendment, like the Peterson amendment before it and the Williams-Boehlert amendment before that, is to exclude nonunion workers from the protection of H.R. 5. But, unlike the Peterson amendment, the Edwards amendment encourages employers to contest good faith efforts on the

part of workers to organize. In addition, if the employer can force employees onto the picket line while the employer is contesting the union certification, the employer can permanently replace those workers and defeat the union-organizing effort once and for all.

H.R. 5 is intended to ensure that employers may no longer use labor disputes as a means of unilaterally terminating the right of their employees to bargain collectively. The bill as reported, which includes the Peterson amendment adopted in the last Congress, ensures that this end is achieved while still excluding nonunion workers from the purview of H.R. 5. The Edwards amendment, if adopted, does not simply exclude nonunion workers. It also encourages unnecessary litigation and tempts employers to provoke labor disputes as a means of defeating the effort of workers to organize. I urge the defeat of the amendment.

Mr. FORD of Michigan. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise to oppose this amendment.

I think that we make a mistake with this amendment because we in fact provide them an incentive for dilatory tactics and for frivolous action against the organizing of a union by employees at a place of employment.

I think clearly now if the message is sent so that you can delay the operation of this law by thwarting the efforts to organize, it is an incentive to do that.

I think as we see now when people take out petitions and those petitions are in regular order and lawful, most employers recognize in fact that their place of employment will now be certified for that union representation and get on with the issues.

Very often the same issues that underline the concerns of employees and cause them to seek to form a union are the issues later that they may, in fact, have to negotiate with, and if negotiations break down, they can deal with it by using the tool of a strike or whatever methods they can use in those negotiations.

By taking this provision of the law, as suggested by the gentleman from Texas [Mr. EDWARDS], in fact, what we do is we frontload that process with all the antagonism, with all the legalistic maneuverings that we have witnessed over the past decade to try to keep a union from coming into being.

□ 1610

Mr. Chairman, I think that we ought not to do that, and we ought to get on with dealing with the issues that are underlying the reasons why the employees are seeking unionization of the working place, the organization of the working place, and, I think, lead to greater harmony in that working place than to go through the process of the amendment offered by the gentleman from Texas [Mr. EDWARDS]. I would hope that people would vote against this amendment, Mr. Chairman, and I thank the gentleman for having yielded the time to me.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, I thank the gentleman from Michigan [Mr. FORD] for yielding this time to me and for the work he has done on this legislation.

Mr. Chairman, we have seen a distressing movement in this country in recent years to try to prevent workers from organizing, a very basic right that the men and women who are workers of this country fought for and finally obtained some years ago. Unfortunately the amendment offered by the gentleman from Texas [Mr. EDWARDS] would contribute to that because there are many delaying tactics that can take place from the time the workers have expressed, by a majority vote, that they want to be recognized. There are many challenges that can be brought by the employer to delay recognition of this vote that has taken place. What the Edwards amendment would do would be to permit permanent replacement of those strikers who had done everything that was required of them to be recognized as organized, and until they had actually been formally certified, they were fair game to be tossed out and permanently replaced. That is not an encouragement for there to be equal distribution of the pain and suffering that does take place when negotiations become tough. Instead it would be an additional incentive for employers to string out their workers in the negotiations.

Mr. Chairman, I very, very much urge this body to vote against the amendment offered by the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, H.R. 5, the strike breeder bill, would ban permanent replacement workers during an economic strike.

This is a terrible bill which will breed strikes and close businesses and that means jobs. Tens of thousands of hard-working Americans will lose their jobs.

The Edwards amendment effectively repeals the language known as the Peterson amendment which was attached to the bill in the 102d Congress.

The Peterson language would allow non-union members to receive the protections under the strike breeder bill if they simply sign a pledge for union representation. No recognition or certification of the union needs to occur to receive this protection.

I opposed the Peterson amendment when it was attached to the striker breeder bill 2 years ago.

I support the Edwards amendment to remove that language today.

Should the Edwards amendment pass, it would simply make an awful bill less terrible. It would only restore the language of the bill to where it was 2 years ago.

I opposed the bill in that form and I continue to believe that, with or without the Edwards amendment, the strike breeder bill is bad for this country.

Even the Carter administration rejected banning permanent replacements because Carter's people understood that it would increase strike activity and drive wages up without any productivity increase. Even the Carter administration understood that this would devastate the economy.

The United States is currently competing in tough global markets. This bill which prohibits employers from hiring permanent replacement during a strike of any type would lead to more strikes.

Our economy simply cannot endure the major upset that more strikes would bring.

Support the Edwards amendment and improve this bad legislation.

Mr. FORD of Michigan. Mr. Chairman, I yield one-half of my remaining time, 30 seconds, to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS of New Jersey. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. EDWARDS].

The simple and correct theory of this bill is that, when people choose to organize and vest themselves of protection of the NLRA, they should be protected against replacement workers crossing the picket line. That protection should extend earlier in the process than the Edwards amendment would permit. For that reason, Mr. Chairman, I strongly urge us to defeat the Edwards amendment.

Mr. EDWARDS of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, Members, I voted for this bill the last time it was here, and I support strongly the amendment offered by the gentleman from Texas [Mr. EDWARDS] because it simply clarifies the law as it was intended to be drafted from the information that I have received. It does nothing to the theory that the right to withhold is a legitimate right of workers in this country. It merely clarifies the law as we know it.

Mr. Chairman, it is not much to ask that we pass the amendment offered by the gentleman from Texas [Mr. EDWARDS]. It would, again, be a clarifying amendment and one that would be beneficial, I think, to this idea that the right to strike means the right to strike by those companies that are organized.

Mr. EDWARDS of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members, the issue on this amendment is not whether my colleagues are for or against this legislation. The fact is people are going to support this amendment who both oppose and support the bill. The issue is very clear and very simple, my colleagues, and it is: "If you think this legislation should be allowed to cover some nonunion employees and nonunion companies in certain circumstances, then you should vote against my amendment, and there are Members of this House that respectfully believe in the right of organizing strikes, and, if you believe that way, vote against my amendment, and I will respect you for that position. On the other hand, whether you vote for this bill or vote against it, if your belief is that, if this were to become law, it should not apply to nonunion companies and to nonunion employees, then you should support the Edwards amendment."

Without getting bogged down in the legalese of labor law, that is the issue before this House on this amendment, and I would suggest that many Members who voted for this bill, who believe in the right to protect unionized workers from being fired if they go on strike, can support this amendment in good faith recognizing that they are still fighting for the rights of unionized employees, but, along with those that oppose the bill, they are simply saying, "We want to be absolutely clear, if you're not a certified union, you're not a certified union employee, this bill will not affect you."

□ 1620

Mr. Chairman, I wish to thank the gentleman from Michigan [Mr. FORD] for his courtesy in dealing with me on this issue.

Mr. Chairman, I yield back the balance of my time.

Mr. FORD of Michigan. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, there is clearly a misunderstanding here about when a person becomes a member of a union. I suppose we could agree that most of us believe that when you start paying dues and join an organization, that makes you a member. They do not start paying dues 2 years after they sign up in a union. If you have got an unruly employer who is trying to stretch the process out, you start paying dues when you sign up to have a union. These people we are talking about as nonunionized people are already dues-paying members of a union with an identification with the employee bargaining unit.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. EDWARDS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. EDWARDS of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 94, noes 339, not voting 5, as follows:

[Roll No. 222]

AYES—94

Allard	Franks (NJ)	Parker
Applegate	Geren	Payne (VA)
Bacchus (FL)	Hall (TX)	Penny
Baesler	Hayes	Pickle
Baker (LA)	Hefley	Price (NC)
Ballenger	Hefner	Regula
Bentley	Herger	Rohrabacher
Bevill	Horn	Rose
Bilbray	Houghton	Rowland
Bilirakis	Huffington	Santorum
Blute	Hunter	Schroeder
Bonilla	Hutchinson	Shaw
Boucher	Hutto	Sisisky
Brewster	Hyde	Skaggs
Browder	Inglis	Slattery
Buyer	Inhofe	Smith (MI)
Clement	Inslee	Smith (OR)
Collins (GA)	Istook	Spence
Combest	Johnson (CT)	Spratt
Condit	Johnson (GA)	Stenholm
Cramer	Johnson (SD)	Tanner
Darden	Kolbe	Tauzin
Deal	Lambert	Taylor (MS)
DeLay	Laughlin	Tejeda
Derrick	Lewis (FL)	Thomas (WY)
Dickey	Livingston	Thornton
Dooley	McCollum	Thurman
Doolittle	McCurdy	Valentine
Duncan	Minge	Whitten
Edwards (TX)	Montgomery	Young (FL)
English (OK)	Neal (NC)	
Fawell	Ortiz	

NOES—339

Abercrombie	Coleman	Franks (CT)
Ackerman	Collins (IL)	Frost
Andrews (ME)	Collins (MI)	Furse
Andrews (NJ)	Conyers	Gallegly
Andrews (TX)	Cooper	Gallo
Archer	Coppersmith	Gejdenson
Armey	Costello	Gekas
Bachus (AL)	Cox	Gephardt
Baker (CA)	Coyne	Gibbons
Barca	Crane	Gilchrest
Barcia	Crapo	Gillmor
Barlow	Cunningham	Gilman
Barrett (NE)	Danner	Gingrich
Barrett (WI)	de la Garza	Glickman
Bartlett	de Lugo (VI)	Gonzalez
Bateman	DeFazio	Goodlatte
Becerra	DeLauro	Goodling
Bellenson	Dellums	Gordon
Bereuter	Deutsch	Goss
Berman	Diaz-Balart	Grams
Bishop	Dicks	Grandy
Blackwell	Dingell	Green
Bliley	Dixon	Greenwood
Boehlert	Dornan	Gunderson
Boehner	Dreier	Gutierrez
Bonior	Dunn	Hall (OH)
Borski	Durbin	Hamburg
Brooks	Edwards (CA)	Hamilton
Brown (CA)	Emerson	Hancock
Brown (FL)	Engel	Hansen
Brown (OH)	English (AZ)	Harman
Bryant	Eshoo	Hastert
Bunning	Evans	Hastings
Burton	Everett	Hilliard
Byrne	Ewing	Hinchey
Callahan	Faleomavaega (AS)	Hoagland
Calvert		Hobson
Camp	Fazio	Hochbrueckner
Canady	Fields (LA)	Hoekstra
Cantwell	Fields (TX)	Hoke
Cardin	Filner	Holden
Carr	Fingerhut	Hoyer
Castle	Fish	Hughes
Chapman	Flake	Jacobs
Clay	Foglietta	Jefferson
Clayton	Ford (MI)	Johnson, E. B.
Clinger	Ford (TN)	Johnson, Sam
Clyburn	Fowler	Johnston
Coble	Frank (MA)	Kanjorski
Kaptur	Mineta	Schaefer
Kasich	Mink	Schenk
Kennedy	Moakley	Schiff
Kennelly	Molinari	Schumer
Kildee	Mollohan	Scott
Kim	Moorhead	Sensenbrenner
King	Moran	Serrano
Kingston	Morella	Sharp
Kleczka	Murphy	Shays
Klein	Murtha	Shepherd
Klink	Myers	Shuster
Klug	Nadler	Skeen
Knollenberg	Natcher	Skelton
Kopetski	Neal (MA)	Slaughter
Kreidler	Norton (DC)	Smith (IA)
Kyl	Nussle	Smith (NJ)
LaFalce	Oberstar	Smith (TX)
Lancaster	Obey	Snowe
Lantos	Olver	Stark
LaRocco	Orton	Stearns
Lazio	Owens	Strickland
Leach	Oxley	Studds
Lehman	Packard	Stump
Levin	Pallone	Stupak
Levy	Pastor	Sundquist
Lewis (CA)	Paxon	Swett
Lewis (GA)	Payne (NJ)	Swift
Lightfoot	Pelosi	Synar
Linder	Peterson (FL)	Talent
Lipinski	Peterson (MN)	Taylor (NC)
Lloyd	Petri	Thomas (CA)
Long	Pickett	Thompson
Lowey	Pombo	Torkildsen
Machtley	Pomeroy	Torres
Maloney	Porter	Torricelli
Mann	Portman	Towns
Manton	Poshard	Traficant
Manzullo	Pryce (OH)	Tucker
Margolies-Mezvinsky	Quillen	Underwood (GU)
	Quinn	Unsoeld
Markey	Rahall	Upton
Martinez	Ramstad	Velazquez
Matsui	Ravenel	Vento
Mazzoli	Reed	Visclosky
McCandless	Reynolds	Volkmer
McCloskey	Richardson	Vucanovich
McCrery	Ridge	Walker
McDade	Roberts	Walsh
McDermott	Roemer	Washington
McHale	Rogers	Waters
McHugh	Romero-Barcelo (PR)	Watt
McInnis		Waxman
McKeon	Ros-Lehtinen	Weldon
McKinney	Rostenkowski	Wheat
McMillan	Roth	Williams
McNulty	Roukema	Wilson
Meehan	Roybal-Allard	Wise
Meek	Royce	Wolf
Menendez	Rush	Woolsey
Meyers	Sabo	Wyden
Mfume	Sanders	Wynn
Mica	Sangmeister	Yates
Michel	Sarpalius	Young (AK)
Miller (CA)	Sawyer	Zeliff
Miller (FL)	Saxton	Zimmer

NOT VOTING—5

Barton	Rangel	Stokes
Henry	Solomon	

□ 1642

Messrs. GALLEGLY, KIM, GREENWOOD, LANCASTER, and BEREUTER, Ms. SHEPHERD, and Mr. WELDON changed their vote from "aye" to "no."

Messrs. INHOFE, LEWIS of Florida, YOUNG of Florida, BILIRAKIS, PAYNE of Virginia, INGLIS, BEVILL, and HERGER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. STOKES. Mr. Speaker, during rollcall vote No. 222 on H.R. 5, I was unavoidably detained. Had I been present I would have voted no.

The CHAIRMAN. It is now in order to consider Amendment No. 2, an amend-

ment in the nature of a substitute, printed in House Report 103–129.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RIDGE

Mr. RIDGE. Mr. Chairman, I offer an amendment, in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. RIDGE: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Collective Bargaining Protection Act of 1993".

SEC. 2. RESTRICTION ON HIRING OF REPLACEMENT EMPLOYEES DURING ECONOMIC STRIKES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting ", or"; and

(2) by adding at the end the following new paragraph:

"(6) to offer or grant the status of permanent replacement to an individual for performing bargaining unit work for the employer, during an economic strike between the employer and the labor organization that is the certified or recognized exclusive representative involved in the strike, for a period of 10 weeks, in the aggregate, on or after the date of hiring the first replacement employee with respect to each bargaining agreement between the employer and such organization.".

SEC. 3. SECRET BALLOT.

Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended)—

(1) by striking the "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following:

"(8) to call for an economic strike unless a referendum is conducted by secret ballot directed and certified by the Board with a majority of the employees in the bargaining units affected voting to conduct such a strike.".

SEC. 4. ELECTION PERIOD.

The second sentence of section 9(c)(3) of the National Labor Relations Act (29 U.S.C. 159(c)(3)) is amended by striking "twelve months" and inserting "eighteen months".

SEC. 5. PREVENTION OF UNFAIR LABOR PRACTICES.

Section 10 of the National Labor Relations Act (29 U.S.C. 160) is amended by adding at the end the following:

"(n) Whenever, during an economic strike in which replacement employees are hired, it is charged that any person has engaged in an unfair labor practice under subsection (a) or (b) of section 8 and such charge has been filed before an employer hires a replacement employee, the preliminary investigation of such charge shall be given priority over all other cases except cases of like character in the office where it is filed or to which it is referred. If, after such investigation, the officer or regional director to whom the matter was referred has reasonable cause to believe such charge is true, such officer or director shall issue a complaint before the expiration of the 10-week period referred to in section 8(a)(6).".

SEC. 6. FUNCTIONS OF THE SERVICE.

Subsection (b) of section 203 of the Labor Management Relations Act, 1947, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) In any economic strike where the employer has hired a replacement employee and such strike affects commerce, the service shall proffer its services to the parties to the strike.".

SEC. 7. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Four of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth"; and

(2) by adding at the end of the following:

"(b) No carrier, or officer or agent of the carrier shall offer, or grant, the status of a permanent replacement employee to an individual for performing work in craft or class for the carrier during a dispute involving the craft or class and which is between the labor organization that is acting as the collective bargaining representative involved in the dispute for a 10-week period beginning on the date of the hiring of the first such individual.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. RIDGE] will be recognized for 15 minutes, and a Member opposed to the amendment, the gentleman from Montana [Mr. WILLIAMS], will be recognized for 15 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it has been 5 years running now that this House has debated the issue, the very controversial issue of permanent replacement workers, 5 years of bookend proposals that would lead many in this body to believe that we only have two choices before us today: That we can either ban the use of permanent replacement totally, or we can simply sustain the status quo; 5 long years of an "are you with me or are you against me" attitude on the issue that has made this Member, for one, a little tired of it all. The time has come to move on, to deal with the realities not only of the political marketplace but the changing marketplace in the real world and the workplace. The time has come to support the Collective Bargaining Protection Act, which is the amendment before the Members today. People's livelihoods are at stake, and the fact is that without a compromise, without a compromise, nothing will get accomplished.

□ 1650

Without a compromise, the working men and women of this Nation will be left at the end of the day, at the end of the day with exactly what they have gotten from this body on previous occasions: spirited debate, highly controversial, but no greater protection, no more rights, no greater job security. They will have their vote in the House of Representatives, but that is all they will get.

You cannot put food on the table, you cannot pay the bills, and you cannot keep a roof over your head with a vote in the House of Representatives.

Recognizing that a problem exists does not necessarily compel one to the conclusion that banning replacements permanently is the answer. It is not.

If there is an imbalance in favor of one party in the collective bargaining process, collective action does not mean that you create an imbalance in favor of the other party in the process. So today we seek a third way.

My colleagues, the gentleman from New York, [Mr. HOUGHTON], the gentlewoman from Maine, [Ms. SNOWE], and the gentleman from Wisconsin, [Mr. GUNDERSON], and I have fashioned what we believe is a fair solution that will restore the balance in labor relations. Our substitute establishes a 10-week cooling-off period triggered by an employer's hiring of the first replacement employee. It offers time for the parties to sit down, to roll up their sleeves and bargain the way the process is designed and supposed to work.

For good measure, we direct the Federal Mediation and Conciliation Service to offer its assistance to the parties to settle their dispute, to settle their dispute through negotiations. Everything we have done historically in the area of labor law and labor reform law has been to encourage the parties to resolve their disputes, to resolve their disputes, not facilitate them.

We also require the National Labor Relations Board to expedite those unfair labor practices filed before replacements have been hired in an attempt to ensure that workers are not denied the full protection of labor laws to which they are entitled.

Overall, I believe our approach is a fair and balanced one. Both sides before this takes place exercise the two options, the two weapons they have in the collective bargaining process. Labor has to decide they are going to strike. Management has to decide they are going to use and hire replacement workers with a possibility that they will become permanent replacement workers. A company would be able to conduct business, and if no resolution is reached by the end of 10 weeks, still retain the right to make the replacements permanent. But it encourages the parties to get back to the negotiating table, to do what is in the long-term best interest of all parties, and that is to resolve the differences, and to settle the labor dispute.

My colleagues, the time has come to move beyond an all-or-nothing approach. That will not do any worker, any family involved in this situation any good. It is time to look for a compromise that is workable, that is doable, and that restores some equilibrium and balance to the collective bargaining process.

America's working men and women deserve better from this Chamber than they have gotten in the past. They deserve a balanced and fair solution, one that is fair to workers and employers

alike. And I encourage my colleagues on both sides of the aisle to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Chairman, I rise in strong support of H.R. 5, the Cesar Chavez Workplace Fairness Act.

Mr. Chairman, it is unfortunate for labor relations in our country that this important and much-needed legislation was not enacted last session. For the past 12 years, the two previous administrations have allowed equity and fairness in labor-management relations to melt away. For 12 years, an openly anti-labor Executive Branch took every opportunity to increase management's strength to the detriment of working men and women and their families.

Mr. Chairman, opponents of this legislation state that for the past 50-plus years we have allowed permanent replacement of striking workers, and that there is no reason to change this now. This argument is simply specious. Public policy does not rest on tradition; it responds to the dynamics of a changing world. The argument ignores the fact that more and more, management is using and threatening use of permanent replacement workers as a means of getting rid of labor unions.

According to the General Accounting Office, two out of every three employer representatives say permanent replacement workers were used more often or far more often in the late 1980s than in the late 1970s. The report also found that one quarter of surveyed employers said they would use permanent replacements. A 1989 study found that strikes last a mean of 363 days when management uses permanent replacements. When management uses temporary replacements, strikes last a mean of only 72 days.

Mr. Chairman, to regain our country's competitiveness we must foster cooperation between labor and management. Both sides must work together. If one side can effectively opt out of the labor dispute resolution process by permanently replacing the other side, cooperation isn't going to happen.

Mr. Chairman, labor-management law and practice should be a balancing act. Neither side should have an advantage over the other. Each side should have certain advantages, but on balance each's power should be equal. Today, because of the relatively new but extensive use of replacement workers, the balance of power in strike situations has tilted clearly in favor of management. H.R. 5 restores that balance.

Mr. Chairman, opponents of this bill argue that prohibiting the hiring of permanent replacement workers will create all kinds of strikes. They even call this the Pushbutton Strike Bill. These people aren't playing with a full deck. The American worker, who is making less today in real wages than in 1965, whose real hourly wages have dropped almost 7 percent since 1980, does not nor will not go on strike and give up a regular wage just for the hell of it. How do they think all these push button strikers would survive? Voting to authorize and to go on strike is one of the most painstaking decisions a worker faces. A "yes" vote is much more difficult than a "no" vote.

Mr. Chairman, we passed H.R. 5 last session, but our efforts were stonewalled by a veto threat. We must move forward with this bill again on behalf of the American worker. Siding only with management, as the Reagan and Bush administrations of the last 12 years did, clearly has not worked. I am convinced that we now need to try focusing again on achieving a balance in our collective bargaining law and practice. This bill is a significant step in this direction. I urge my colleagues to vote for H.R. 5.

Mr. WILLIAMS. Mr. Chairman, I yield myself such time as I may consume for purposes of a colloquy with the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Florida.

Mr. PETERSON of Florida. Mr. Chairman, H.R. 5 provides in part that employees engaged in a strike are protected from permanent replacement if their union at least 30 days prior to the commencement of the dispute has filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceedings.

I have two questions about this statutory language.

First, the act provides that the NLRB is to hold representation elections in a unit appropriate for the purposes of collective bargaining. What is the intent of H.R. 5 where the Board determines that the representation is to be dismissed because the bargaining unit is not an appropriate unit?

Mr. WILLIAMS. In the situation the gentleman has just stated, the employees who are engaged in such a strike would not be entitled to the protection of H.R. 5. The point of the bill is to protect employees where a representation petition on which the Board is empowered by the act to hold an election has been filed and where there is a delay in the holding of the representation election. Where the Board, after a representation petition is filed, determines that the petition is improper on inappropriate unit grounds, just as where a strike begins without the filing of a representation petition, the conditions stated in the bill are not satisfied and the protections the bill provides to employees on strike are not available.

Mr. PETERSON of Florida. Turning not to another of the conditions stated in the language I read a moment ago, the bill provides that the representation petition must be supported by written authorization by a majority of the unit employees.

What is H.R. 5's intent if the Board determines that because of the total number of employees in the relevant appropriate unit, the petition is not supported by written authorizations by a majority of the unit employees in that appropriate unit?

Mr. WILLIAMS. My answer to your second question follows from my answer to the first. As you quite properly recognize, the requirement that the representation petition in question be supported by written authorizations by a majority of unit employees is one of the several conditions that must be satisfied for the employees on strike to be entitled to the protections of the bill. Thus, once again in the situation the gentleman describes, the employees on strike would not be entitled to the bill's protection.

Mr. PETERSON of Florida. Mr. Chairman, I thank the gentleman for that clarification.

Mr. RIDGE. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, my decision to oppose H.R. 5 is based upon my commitment to job growth and economic recovery. This legislation threatens to upset the balance between the rights of labor and the rights of management developed over the past half century. H.R. 5 will allow an aggressive union to force some companies out of business.

It's ironic that Government over-regulation and high taxes have reduced business expansion and jobs, and now in an effort to protect workers during this period of decreased job opportunities, Congress is passing additional regulations which will only further depress job growth. We all should be making a greater effort to develop the kind of laws and working conditions that will help business be more competitive so that good jobs will be more available.

For many workers, it is a very vulnerable time right now, and there are some companies that treat their employees unfairly. Congress should reform some labor laws, especially the arbitration process used to examine claims of unfair labor practices. In many cases, the National Labor Relations Board [NLRB] takes years to inform strikers that they were improperly replaced and entitled to reinstatement. By this time, workers have already suffered the pain of displacement and economic hardship, and I am working to eliminate these unacceptable delays. But passing H.R. 5 is like trying to cure a headache with a lobotomy.

Mr. RIDGE. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Chairman, I rise in opposition to H.R. 5.

Mr. Chairman, last month the Aviation Subcommittee held hearings aimed at evaluating the impact H.R. 5 would have on the airline industry and I appreciate the opportunity to address this issue. I approached those hearings with an open mind because there are few industries which need a boost as much as the airline industry. After hearing from both sides of this issue, however, I remain convinced that the striker replacement legislation is not only the wrong policy for the airline industry but

that all industries would suffer under this legislation.

This Congress needs to be passing laws which will help businesses compete, not ones which will make it more difficult to survive. If H.R. 5 becomes law, 50 years of thoughtful precedent will be thrown out and the balance of power in labor-management negotiations will be shifted inequitably toward labor. This move would be harmful for all parties.

Every year there are thousands of collective bargaining agreements negotiated peacefully not because one side has more power than another but because there is built into our labor laws a balance of power. When that balance is lost, the system does not work. Under our current system, labor brings to the negotiating table the possibility of strike and management's tool is the threat of replacement. This balance has worked well and I believe it has prevented strikes. When the system does not work, more people lose their jobs and more companies go out of business. It is a lose-lose situation and one this House should refrain from endorsing.

The airline industry is a perfect example of why this is so. Over the past 3 years, the major airlines have lost nearly $10 billion. No one needs to be made aware of the dire straits many airlines are in. Upsetting the labor-management balance of power would only make more unstable an industry which desperately needs some stability.

As was clearly evident from testimony we received before the Aviation Subcommittee, many airline strikes were avoided because management had the ability to replace workers. When strikes did occur, if the airlines did not have the ability to replace these workers, strikes may have gone on endlessly and some airlines may not have survived. Given those circumstances, it would be unwise to further erode the balance of power which now exists. Just as I would not take away the right of workers to strike, I would not take away the right to hire replacements in order to keep a business running.

Mr. Chairman, I realize that this issue is an emotional one and I hope that it can be approached with a clear head. This debate should not focus on who is prolabor and who is pro-management but rather on what policies will encourage our economy to grow and create good jobs at good wages. Labor and management must work together, not against each other. This bill will upset the negotiating balance and further drive a wedge between labor and management. If we keep that objective in mind and focus on the facts, then I think that the conclusion must be reached that H.R. 5 is the wrong bill at the wrong time.

Mr. ROEMER. Mr. Speaker, I rise in support of H.R. 5, the Cesar Chavez Workplace Fairness Act, which bans the hiring of permanent replacements for workers engaged in economic strikes. This legislation is virtually identical to the bill that passed the House in the last Congress by a vote of 247–182.

When Congress passed the National Labor Relations Act in the 1930's, it guaranteed the right of workers to organize, to join unions, and to strike without fear of reprisal by their employers. In recent years, however, the right of employees to strike when they are unable to reach a collective bargaining agreement with employers has been undermined because employers are permitted to hire permanent replacements. As a result workers risk losing their jobs every time they engage in a strike for economic reasons.

Under current law, employees are unfairly disadvantaged in the collective bargaining process over economic issues because the employer is permitted to hire permanent replacement workers if there is a strike. However, striking employees may not be permanently replaced in a strike where unfair labor practices are at issue. In the case of an economic strike, striking employees who have been replaced do not have to be rehired when the strike is over—they are afforded only preferential consideration for positions that become vacant in the future.

In very recent times, those employees who exercised their right to strike have been permanently replaced after years of loyal service with an employer. Some of the highly publicized strikes included Eastern Airlines, TWA and Greyhound. Those workers expected that their jobs would continue after the strike had been settled and that their jobs would be protected under the National Labor Relations Act. Instead, they face financial ruin and other personal hardships, both now and for the future. The devastating consequences borne by these employees can extend to jeopardizing their homes because they are unable to make their mortgage payments. The personal and emotional stresses have lead in some cases to the break up of employees' families. Strikes can adversely impact local communities as well. Irreparable anger among strikers, permanent replacements and the company can threaten to destroy a community long after a strike has been settled.

Studies show that, in the past decade, employers have increasingly utilized the right to hire permanent replacements. This fact is highlighted by findings published by the General Accounting Office [GAO] which demonstrate that since 1985, employers have used or have threatened to use permanent replacements in one out of every three strikes in this country. Thus, H.R. 5 is needed to restore an emerging imbalance in labor-management relations. Permitting employers to hire replacement workers on a permanent basis in the event of an economic strike is tantamount to discharging or firing employees for exercising their lawful right to strike if they are unable to reach an agreement in the collective bargaining process.

I recognize that the business community has concerns about this legislation, Mr. Chairman, and that nonunion companies, in particular, are worried that this bill will apply to them. In order to address the concerns of the business community, a provision was incorporated in the bill in the last Congress to clarify that H.R. 5 does not apply to nonunion companies, which includes most small businesses.

It is my view that the abolition of hiring permanent replacement workers will not be an incentive for employees to strike more frequently. Aside from the economic disincentive of lost wages and benefits, there is the emotional uncertainty of not knowing how long the strike will last or when life savings will be depleted. Furthermore, a prohibition of permanent replacements will not ensure that a given union will prevail over management in an economic strike.

Workers do not strike frivolously or because they want to. They do not risk everything for cavalier reasons. They do so because they feel that their futures must be protected, and they do so at considerable personal financial risk. Under this legislation, employers can continue to operate during a strike by transferring nonstriking employees, managers, and supervisors. They can subcontract work, and they may rely on stockpiled inventories. Most importantly, the bill does not affect an employer's right to use temporary workers during a strike. This bill simply ensures that the hiring of replacement workers is indeed temporary and subject to the return of striking employees.

Mr. Chairman, this legislation is about fairness in the collective bargaining process and about restoring an even balance to labor-management relationships. We need to work toward an improved and communicative labor-management relationship. This is a question of our competitiveness, our productivity, and our economic strength. It is an important step in protecting a worker's fundamental right to strike, and I urge my colleagues to support this bill.

Mr. RIDGE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in support of the Ridge substitute as a reasonable compromise on H.R. 5. I believe this proposal, which provides for a 10-week moratorium on the hiring of permanent replacements, will help facilitate the resolution of labor disputes, while not imposing an undue burden on either labor or management.

While I am very much opposed to H.R. 5, I believe that we are facing intractable problems in labor-management reactions which can be addressed in part by the approach my colleague, Mr. Ridge, takes on the issue of permanent replacements. There is acknowledgment that all is not right in the execution of labor-management negotiations. The Ridge substitute allows the strike decision to be taken without undue pressure from the threat of immediate permanent replacement and, in all other respects, allows current law to operate after the 10-week period.

It also begins to address the serious problem of case-processing delays at the National Labor Relations Board which is rendering the remedies that are available to employees under current law ineffective.

I believe those remedies are adequate. However, inordinate delays at the NLRB in processing cases of unfair labor practices can serve to deny those remedies to employees on a timely basis. The Ridge substitute would begin to address this problem by requiring the Board to expedite its investigation of unfair labor practice charges in the context of economic strikes where replacement workers are hired and to issue a complaint on such charges before the expiration of the 10-week moratorium period.

It is time we got the National Labor Relations Act working as intended. The Ridge substitute would be a step in that direction.

In fact, the Commission formed by the Secretary of Labor would do well to add the issues encompassed by this replacement workers debate to its agenda. Labor law is in need of reform and NLRB and the issues of permanent replacement workers should be at the heart of that reform.

Mr. RIDGE's amendment begins the effort toward cooperation and diverts us from the confrontations of the past several years.

Mr. Chairman, I support the Ridge substitute, and I urge my colleagues to vote for its adoption.

□ 1700

Mr. WILLIAMS. Madam Chairman, I yield myself 3 minutes.

My colleagues, I urge you to oppose the Ridge amendment. In a nutshell, this is what it says: If the strike goes on long enough, you can fire the workers, but you have to make sure the strike lasts long enough.

So if you like short strikes, you do not want to do anything to encourage longer strikes, then vote against Ridge, but if you so want to have workers fired that you are even willing to let a strike go 10 weeks, then vote for Ridge, because that is the choice in front of you.

Strikes go a long time occasionally in this country. The gentlewoman from New Jersey just mentioned the Greyhound strike. The workers would have been fired under the Ridge amendment in the Greyhound strike. We all remember the Eastern strike. It went long enough that, under the Ridge amendment, all of those people at Eastern would have been fired. Imagine the catastrophe and the loss of health care benefits and retirement and all the rest for those airline employees, many who have worked for many, many years. All of that would be lost. Those people would have been fired under the Ridge amendment.

I think the Ridge amendment encourages strikes to be longer than they would normally be. Why? Because if you want to really punish the workers, as Greyhound and Eastern apparently did, the way to do it is make sure those strikes last for the 10 weeks necessary to come in under the Ridge amendment, and then those people who have sacrificed with no wages, no health care benefits for 10 long weeks lose everything.

I think that the gentleman's proposal is antiworker.

He now wants to do another thing; the gentleman would do another thing in here, and that is require secret-ballot votes before a strike can take place. Many unions have that requirement now in their constitution.

Do you really want the Government of the United States, the Congress of the United States, the Federal Government, Big Brother to reach into the constitution of union members and write it for them? That is what the gentleman's amendment would do.

Do we want to require that same thing of companies? Do we want to tell the stockholders how to deal in a labor dispute that they must do it by a 51-percent vote or a two-thirds vote of the stockholders in order for management to work a certain way? The gentleman does not go that far. He only requires the workers to kneel before the altar of the Ridge amendment and rewrite their constitution the way he would have them do it.

Mr. Chairman, I reserve the balance of my time.

Mr. RIDGE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Ridge substitute. I have had the pleasure of working on this amendment with Mr. RIDGE, Mr. HOUGHTON, and Mr. GUNDERSON. It is a reasonable compromise similar to one that we tried to offer last year but which was rejected by the Rules Committee.

Today, we consider a fundamental change in the structure of labor-management relations that has existed for more than 50 years. A change this profound must be carefully considered, and must reflect on the totality of our experience over this past half century.

I have firsthand experience of the issues being discussed here. In 1987, the workers at five International Paper Co. plants across the country decided to strike at once. In quick response to the strike, the company hired approximately 1,000 permanent replacement workers at its mill in Jay, ME, in my district.

What ensued was one of the most contentious and tragic episodes in my State's history. It was a dispute so hostile yet so personal. Family members and lifelong friends found themselves on opposing sides in a wrenching scenario reminiscent of civil war. Lives were shattered and changed forever over this dispute, Mr. Chairman. Nobody won, and everyone lost.

The problem in this case was that the fevered emotions on both sides never had a chance to abate, and beating the other side became the focus, not solving the impasse. There was never time, nor the opportunity, to get a good perspective of the issues at hand. Use of permanent replacement workers did play a role in the escalation of this situation, but will banning replacements address the problem?

No. I would suggest that in fact it will skew the balance, and remove a powerful deterrent to strikes. Business would be unfairly disadvantaged. What was needed in Jay, ME, and other places was a cooling-off period, a chance for both sides to take a second look at their disputes without immediate threats hanging over their heads.

Based on this experience, as well as another contentious strike at a Boise Cascade mill in Rumford, ME, I have come to the conclusion that the Federal Government should keep its role in labor disputes firm and fair but simple: Maintain a level playing field and encourage collective bargaining and peaceful resolution. Indeed, I believe this was the original intent of the National Labor Relations Act.

That is why Mr. RIDGE, Mr. HOUGHTON, Mr. GUNDERSON, and I have devised the amendment before us. This amendment establishes a 10-week cooling off period designed to encourage labor-management negotiation. If the dispute remains unresolved at the end of 10 weeks, however, business can hire permanent replacements—a right it has held for more than 50 years.

The Ridge substitute maintains equilibrium between the two sides and provides a mutual deterrent. But it also provides strong encouragement to collective bargaining, negotiation, and peaceful resolution. It seeks to stimulate good faith negotiation by both sides in a dispute, requiring them to work out their differences rather than resort to confrontational tactics.

Mr. Chairman, the Ridge substitute is a reasonable compromise, and I urge my colleagues to join me in supporting it.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman and Members of the House, we must reject this amendment.

This is not a cooling-off period. This is an effort to put a dagger right into the heart of the weapon that workers have, and that is the strike.

This gives the employer the ability to stockpile inventory, to send out product, to train supervisors, to bring replacement workers on site, to train those replacement workers as we saw in the Greyhound strike, and then bring them in and initiate a 10-week period where the worker is at the total mercy of the employer. That is not a cooling-off period.

Let us not pretend how employers are surprised by these strikes, because, in fact, in most arrangements there is good-faith negotiation that takes place before. But what this says is that the employer gears up for the strike, lasts out 10 weeks, and simply then discharges the workers on a permanent basis, the exact practice that this law is designed to stop because of its unfairness to the American worker.

During those 10 weeks, those workers go without pay, their mortgages go unmet, they may lose their health insurance, their children's education is threatened, but the employer has the

69-059 O—97 Vol. 139 (Pt. 9) 28

ability, if he so desires, to make sure that his stream of income is protected, to make sure that replacement workers are trained to handle the job.

Come to my district, and when the oil industry thinks that they are going to take a strike, they move in the 40-foot trailers, they move in the kitchens, they move in the beds, they move in all of the training personnel that they need, they get the supervisors to go along, and they are ready to take the strike.

What this would say after 10 weeks of that activity is that they could discharge those workers. No matter what their grievance, no matter the good faith of the bargaining, no matter how egregious the concerns of the workers might be, they could simply be discharged under the Ridge amendment. This is the most antiworker amendment we have had presented on this floor over the last many years.

Mr. RIDGE. Mr. Chairman, I yield myself such time as I may consume.

I would like to remind my colleagues that the 10-week cooling-off period does not begin with a calling of the strike. The 10-week cooling-off period begins when replacement workers are called in. Replacement workers have been called in, the last GAO study, 1985 to 1989, in 17 percent of the cases, and permanents were only used in 4 percent of the placements.

So the idea that people will start using replacement workers immediately is just inaccurate, and the idea that the focus is antiworker is not. We want to get people back to the bargaining table.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, I rise in opposition to H.R. 5 and in support of the amendment in the nature of a substitute now before the House.

LABOR LAW REFORM, YES/H.R. 5, NO

Mr. Chairman, I have been consistent over the years—5 years now, in fact—in arguing that it is high time that Congress engage in a comprehensive review and reform of U.S. labor law, including the law governing the use of replacement workers. I was probably one of the few Members on my side of the aisle that actually responded optimistically to the news that Labor Secretary Reich was convening a commission on labor law reform.

Many of my colleagues, as well as interested parties in the private sector, have cautioned me against making such suggestions or supporting such efforts. They are convinced that from the standpoint of labor market efficiency and national economic competitiveness, any reforms that emerged from this body would make matters worse, and not better. H.R. 5 is a powerful example of precisely the kind of labor law reform that many of them fear.

OBJECTIVE: A FAIR BALANCE, NOT AN OPPOSITE AND GREATER IMBALANCE

The overriding objective of the National Labor Relations Act is to ensure fairness and balance in relations between American workers and their employers. It is the intent of the law that employers and employees settle their differences in good faith and at the bargaining table, not along the picket line. Matching the right of workers to organize and to strike with the employers right to hire permanent replacement workers in economic strike situations was and remains a key to that objective.

For the most part the law has worked as intended. I say for the most part because it has obviously not provided for perfect balance or absolute justice. I will be among the first to concede that in the past several years we have seen a small but still troubling number of instances which suggest that the balance which the law intends has shifted in favor of employers. There have been instances where employers have abused the law—specifically their legal right to hire replacement workers in certain strike situations—to undermine unions and to avoid their legal obligation to bargain in good faith. Frank Lorenzo comes most immediately to mind but there have been others. The answer to this problem, however, does not lie in kicking the foundation out from under the law.

The substitute attempts to deal with the Lorenzo's of the world, restore balance, and prevent future abuses. H.R. 5, on the other hand, attempts to create a far greater imbalance in the other direction. Rather than addressing the problem at hand, it seizes on that problem as an opportunity to serve the much broader interests of one particular constituency—organized labor—at the expense of the majority of American workers and employers.

FOUNDATION OF CURRENT LAW REMAINS ESSENTIALLY SOUND

I approach this issue from the perspective of one who believes that existing law, which allows the hiring of permanent replacement workers in economic strike situations, is basically sound. It is consistent with the intent of Congress when it passed the National Labor Relations Act in 1938; it has been affirmed by the courts; and—by far of greatest importance—it has been critical to the overall success of the collective bargaining process in this country.

Contrary to what many of the proponents of H.R. 5 would like us to believe, the National Labor Relations Act never intended to allow employees to shut down a business for any reason without incurring risk. Rather, the predominant concern of the act's authors was to balance the power and interests of workers and managers in order to facilitate collective bargaining and the negotiated settlement of labor-management disputes. Workers would be protected against unfair labor practices by their employers, but at the same time employers would be protected against unfair and unreasonable compensation claims by their employees. Toward this end, there is ample evidence that Congress recognized and affirmed that the right to strike was not an unqualified right when it passed the NLRA in 1935.

In 1938 the Supreme Court, in deciding National Labor Relations Board versus MacKay Radio & Telegraph Co., explicitly recognized the right of employers to hire permanent replacements in economic strike situations. In the years following that decision, Senator Robert Wagner of New York, the NLRA's principal author and one of the greatest friends that the American working person has ever had, stated that:

> Every step that the Supreme Court has taken toward clarifying the meaning, and defining the scope of the Act has made it easier for workers and employers to deal successfully under its provisions.

Senator Wagner's definition of dealing successfully obviously did not mean the right of one party to a dispute over wages or working conditions to insist upon their own position free from economic risk. Good faith negotiation, and not exchange of ultimatums, was what the law intended.

H.R. 5 PROPONENTS FAIL TO MEET BURDEN OF PROOF FOR RADICAL CHANGE

For more than 50 years the wisdom of Congress and the courts with respect to the specific issue of replacement workers has been generally accepted. And why? Because it has—not in every instance but in general—worked.

Those who would toss it aside bear a very heavy burden of proof in this debate and, quite frankly, they have failed to meet that burden.

Let's look at the facts. Most generally, we need to ask if our labor law—by empirical measurement—is failing to provide the framework for constructive engagement and negotiated dispute settlement that it was intended to provide? The answer is clearly no. Worktime lost to strikes is today at an historically low level—0.01 percent. That's one-eighteenth of the 1968 level. Disputes brought before the NLRB are today being settled amicably 86 percent of the time, and 90 percent of NLRB decisions are being sustained in the courts—in each case a 12 percent improvement over 1968 levels.

I refer to 1968 because at that time organized labor pointed to this precise data to argue that the NLRA was working well and that labor law reform was unnecessary. Clearly, if labor advocates were satisfied with the overall working of the law in 1968, they should be even more content today.

Let us turn from the broad to the more narrow concern of H.R. 5. Has the hiring of replacement workers in-

creased? Do we have evidence that American business has suddenly in the last decade turned more frequently and capriciously to the use of replacement workers? Again, the answer is no.

Proponents of H.R. 5 were disappointed when the General Accounting Office, in a 1991 study which looked at the years 1985 and 1989, concluded that there was no data to suggest that employers were resorting with increased frequency to the use of replacement workers in strike situations. The report indicated that permanent replacements were a factor in barely one-sixth of all strike situations, and that there had been an actual decrease in the percentage of striking workers replaced by permanent hires—from 4 percent to 3 percent—over the period. An attempt to bring that data up to the years 1990 and 1991, conducted last year by the Bureau of National Affairs, indicated no significant change.

Though data on the use of permanent replacement workers in the 1980's relative to the 1970's and further back is not wholly reliable, what there is suggests that the use of replacement workers has been both rare and relatively constant.

In sum, while the empirical evidence isn't substantial or conclusive, what there is argues against, and not in favor of the claims of the proponents of H.R. 5 regarding an increased use of permanent replacement workers.

Finally, let's address what we all know in our hearts is really the issue here. Is the MacKay doctrine accountable for the fact that trade unionism in America has been on a steady decline, and is it the solution to organized labor's biggest problem? Again, the answer is no.

For starters, we should keep in mind that it was under the same law that unions successfully organized every basic industry in the United States between 1935 and the middle 1940's. During the same period, the number of union members nearly quadrupled from 3.9 to over 15 million.

Also, the trend of declining union membership as a percentage of the work force began long before the proponents of H.R. 5 claim that the hiring of replacement workers became a significant problem in the 1980's. In fact, union membership has been declining steadily since its height in the middle 1940's. Union density has declined from just over 35 percent in 1945 to 27 percent in 1968, 22 percent in 1980, and less than 16 percent today. In the private sector, union density has slipped below 12 percent. During that time there is no evidence that business relied with more or less frequency on the use of replacement workers. In fact, the Secretary of Labor has testified—erroneously—that the use of replacement workers was practically nonexistent before prior to the 1980's.

The argument against a relationship between the decline in union membership and the MacKay doctrine is further borne out when we consider what is happening in industrialized nations that don't have a MacKay doctrine. Across Europe and in Japan the percentage of unionized workers is also declining. In Japan, union membership has declined by over 20 percent since 1970. In Europe, which offers a more relevant comparison, union membership has declined by over 15 percent since 1985, and for the past several years has declined at almost precisely the same rate as in the United States.

A FAIR ALTERNATIVE

While these facts argue forcefully against H.R. 5, they don't suggest that we turn a blind eye to the abuses that have occurred, or that we should do nothing to address them. The alternative which we are proposing to H.R. 5 addresses the specific abuses which have occurred. At the same time, it leaves the foundations of current law in place.

The substitute makes several changes in current law. Together, they are designed to prevent any employer from using the MacKay option to either get around their responsibility to bargain in good faith, or to undermine a local union.

First, it puts in place a 10-week moratorium on the hiring of permanent replacement workers in any strike situation. This removes any advantage or incentive for an employer to line up replacement workers while collective bargaining is still in progress—a key labor complaint—and thereby provides a strong inducement for the employer to stay at the negotiating table.

Second, the substitute increases from 12 to 18 months the time within which permanently replaced workers would be eligible to vote in union decertification elections. Any employer thinking of forcing a strike and hiring replacement workers for the purpose of breaking a union will have less of a chance of succeeding—and thus less of an incentive to even try.

Third, the substitute requries that the National Labor Relations Board issue at least a preliminary ruling on any unfair labor practices claim filed in a strike where permanent replacement workers are a factor within the 10-week-moratorium period.

Because the right of an employer to hire permanent replacement workers does not apply in unfair labor practice strikes, it's critically important that the legal nature of a strike not be in question. Data suggests that in over half the cases brought to the NLRB on this point, the Board has ruled that unfair labor practices had in fact taken place, making the hiring of any permanent replacement workers illegal.

Unfortunately, because of case processing delays at the Board, it is highly probable that such rulings will come long after the damage has been done, and not in time to protect the legal rights of striking workers. According to GAO, the median time for processing unfair labor practice cases ranged between 273 and 395 days in the period 1984–89. This was three times the median in the 1970's, and the problem is even worse today.

As a result, employers who are abusing their rights under the MacKay doctrine have a fair chance of getting away with it—in the short term at least. By requiring that the NLRB issue at least a preliminary ruling in these cases before the moratorium period has ended, workers are far less likely to be denied the full protection to which they are entitled under the law.

Mr. Chairman, in closing let me remind my colleagues who have made promises to support H.R. 5 without considering the implications of the legislation, that this year's vote may be for real. President Clinton has said he will sign H.R. 5 if it gets to his desk, though I cannot believe that he would do so with any enthusiasm. I also cannot believe that Secretary Reich came to the Hill and testified in support of H.R. 5 with any enthusiasm. They are living up to a commitment which the politics of the campaign season forced on them.

The compromise is a fair alternative to H.R. 5. It addresses the specific abuses which have occurred without creating the real potential for increased conflict and confrontation between labor and management. We need to be stressing new modes of cooperation and shared responsibility in America's workplaces, not throwing down guantlets and raising the banners of a half century ago. Let us step forward, not backward. Support the compromise and defeat H.R. 5.

□ 1710

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. I thank the gentleman for yielding. I appreciate the opportunity to speak on the substitute.

Let me point out some changes in the substitute that have not been addressed by Members. One, the 10 weeks would allow for a business, for example, to build up inventory for that 10 weeks and hold out if their real intent is to break the union, they would hold out for that 10 weeks. Sure, we can go through all the mechanism of trying to settle it through mediation, but they can still hold out for that 10 weeks and then permanently replace them.

Let me point out, under the secret ballot section—and I think Congressman WILLIAMS pointed out that this only applied to the one side and not to both sides, so if it is going to really be a compromise, it should apply both ways and not just to the union—but in that section where it talks about se-

cret ballot to call an economic strike, unless a referendum is conducted by secret ballot with the majority of employees in the bargaining unit, some of you may not know how that actually works because you may not have been into a union hall where they call a strike, but that bargaining unit may be 25 members, for example, and there may be only 15 or 17 members who are union members, who now vote on that strike vote. The bargaining unit is all 25. So you are actually changing law right now that says we are going to have these nonunion employees coming in ahead of them and vote on that strike vote. I hope that is not what you are trying to do in changing the law by saying it is only a 10-week cooling-off period because this amendment makes many other changes other than the 10-weeks' cooling-off period. Ten weeks is bad enough, but the other change in this amendment that is not explained makes it even worse.

Mr. RIDGE. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. Mr. Chairman, I rise in opposition to H.R. 5.

Today we will vote on H.R. 5, the Workplace Fairness Act, which is anything but fair to the small businesses of this country, and ultimately to the workers they employ.

Between 1988 and 1990 small businesses created 4.1 million new jobs. Over the last 20 years they have created two-thirds of the net new jobs in this country—jobs which we desperately need. We have heard a lot of talk about jobs bills and stimulus packages over the past few months. Well, this is a bill which threatens the greatest job resource in our struggling economy. Small business. Companies large and small will be paralyzed by strikes if H.R. 5 becomes law. But, disproportionately it will be smaller companies that will fail and workers who had jobs in those enterprises who will suffer.

The risks to business survival in this country, particularly small business, are far greater than any gain to those who stand to benefit from passage of H.R. 5. As has been pointed out on the floor of this House today, the delicate balance of negotiating power between employers and employees has already been struck in Congress and refined by the courts. Under current law, business and labor each has incentives to bargain in good faith to reach agreement. If we allow this legislation to pass, I believe we'll see more strikes, longer strikes and a further weakening of our ability to compete globally.

This is a critical time for our faltering economy. It is not the time to pass legislation which will jeopardize the future of many small businesses and the jobs they provide.

Mr. Chairman, I urge my colleagues to vote against H.R. 5, and to stand in favor of job creation, not job depletion.

Mr. RIDGE. Mr. Chairman, I yield 1½ minutes to my colleague and friend, the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of the Ridge amendment and in strong opposition to the bill. The merits of the Ridge amendment as well as the merits of the bill have been argued in more detail than I have time to argue them. I want to make just one macro point.

The Northeast and the Midwest used to be the heartland of American manufacturing. We were where heavy industry was. We made the goods that rebuilt the world after World War II. We built the arms that won that war and forced the end of the subsequent cold war.

Since that time, we have lost literally hundreds of thousands of manufacturing jobs. That is a story we all know.

The story we are less familiar with is a story which was told in the Wall Street Journal about 10 days ago, and that is that the loss of manufacturing jobs in the Northeast and Midwest is essentially equal to the gain in manufacturing jobs in the South and Southwest. Let me repeat that: the loss of manufacturing jobs in the Northeast and the Midwest is equal to the gain in those jobs in the South and Southwest.

Mr. WILLIAMS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman for his leadership and also the leadership of Mr. FORD of Michigan in bringing this legislation to the floor today.

Mr. Chairman, I rise today in strong support of the Cesar Chavez Workplace Fairness Act, also known as the striker replacement bill, and in opposition to the Ridge substitute.

The right to strike is the foundation of collective bargaining. Without this right, there is no leverage which workers can employ in their negotiations with management. The National Labor Relations Act recognizes the importance of the right to strike and guarantees employees this right.

Over the course of the past decade we have seen the right to strike undermined consistently by the practice of hiring permanent replacement workers during a strike. The NLRA was designed to establish a fair balance between labor and management. Hiring permanent replacements tips the balance overwhelmingly in favor of management. I therefore oppose the Ridge amendment because it would limit that right.

Mr. Chairman, in this body we spend a significant amount of time debating productivity and competitiveness. One major action we can take to improve productivity is to restore to our workers their legal rights. By restoring, and not limiting as the Ridge substitute would do, the right to strike, we can empower workers and make them believe once again that they are the backbone of our economy and essential partners in our national economic recovery.

Mr. Chairman, our leading international competitors grant their workers this protection. We are unusual in the world economy among leading industrialized countries of not having this as a right for our workers.

Mr. Chairman, protection against striker replacement is long overdue. I urge my colleagues to support this important bill and oppose the Ridge amendment.

Mr. RIDGE. Mr. Chairman, we are going to conclude the debate with a colleague of ours who has a very unique and personal business perspective to bring to this body. I yield the balance of our time to the gentleman from New York [Mr. HOUGHTON].

Before he speaks, I cannot believe that my colleague and friend who thinks that this approach is antiworker, in the bill to amend the NLRA to make it an unfair labor practice to hire or threaten to hire permanent replacement workers during the first 10 weeks of any strike, the gentleman was a cosponsor. I know the gentleman feels very strongly about workers, and I know in his heart he does not see this view as antiworker.

Mr. HOUGHTON. Mr. Chairman, I do not know how much time I am going to take. I probably will be gaveled down by the chairman. But I see my life sort of evaporating in about 3 minutes.

All my life I have worked for better labor-management relationships. I think you can check this as far as the AFL–CIO is concerned, and I think you can, because I used to run a company that was in the glass business.

You know, this should not be a hate war. This is not Big Brother. This is not a dagger at the heart of negotiations. This really is a very commonsensical approach; not to cure a headache with a lobotomy. It is crazy to do this.

You know, I find myself standing here, and on one side I have people who are very strong for H.R. 5, and on the other hand I see many of my associates who do not want to change at all. We are trying to find a practical middle ground.

There is a reason for this middle ground. The commission situation which exists today is not good.

Yet, to say to an employer—and there must be an employer if there is an employee—that you never, under any circumstances, can hire a replacement worker. That does not make any sense at all. Let me ask you over here: You are the owner of a small business and you have an opportunity to move any place in this world, and you recognize that this is happening. Ninety-five percent of the market is outside this country. Would you put up a plant with this type of risk so that you never, under any circumstances, with any union leader who might be out to do something for his own good, could shut you down? I do not think that is right. I do not think it is right.

The interesting fact here is that this bill, in essence, was brought up in 1989 by a Democrat, a man called Mr. Brennan. And Mr. FORD was a cosponsor of this bill.

It makes a lot of sense. It is even better.

I see my time has run out, Mr. Chairman. I hope very much that you will support the Ridge amendment.

□ 1720

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute and 15 seconds to the gentleman from Kansas [Mr. SLATTERY]. That 15 seconds is out of respect and recognition for his support of this legislation.

Mr. SLATTERY. Mr. Chairman, I thank my friend, the gentleman from Montana, the chairman of the committee, for yielding this time to me.

Mr. Chairman, I rise today to express my support for H.R. 5, and my opposition to the Ridge amendment. I am a cosponsor of this bill, because I believe it is necessary.

To me the question before us is a simple and fundamental one, and that is whether we believe that workers have the right to bargain collectively and to strike. I believe they do and I hope the majority of this body believes they do also.

When we enacted the National Labor Relations Act in 1935, we affirmed this basic right. The Government said: "we recognize that there must be a balance of power in the relationship between labor and management."

I believe in this balance, and I believe it is a delicate balance indeed. Neither management nor labor wants to see a labor dispute turn into a strike. However, the assurance of the right to strike, as a final recourse, is often labor's sole leverage in negotiations. The guarantee of this right is the essence of the critical labor-management balance.

Since 1981, this relationship has fallen out of balance. When a union goes on strike, the National Labor Relations Board can rule the strike either an economic or an unfair labor practice strike. Since 1981, the NLRB has ruled the vast majority of strikes to be economic, thereby allowing those workers to be permanently replaced.

Earlier this year, in my hometown of Atchison, KA, hundreds of jobs at one of the largest employers in that small town were at risk during a labor dispute. That manufacturer is operating on a very small margin. They are struggling to survive these tough economic times. I do not want labor to be able to dictate terms to management. However, I do not think management should be able to dictate to labor either. When management can say, "if you strike, you will lose your job, permanently," then the right to strike arguably does not exist.

I want to see both sides in a labor dispute negotiate in good faith. I do not think either side should be able to dictate the result. Permanent replacements are simply too intimidating of a stick for management to wield.

Those opposing H.R. 5, who argue that it will tilt the balance in favor of labor, simply do not acknowledge recent history. This legislation will clarify the intent of the National Labor Relations Act, and will restore the balance that existed in practice prior to 1981. It is only since the 1980's that permanent replacements have been successfully and widely used as a threat to deter strikes and as a means to bust unions.

H.R. 5 is not an extreme, prounion bill. It will not cause unions to strike gratuitously. In fact, managers will still have the right to bring in replacements during a labor stoppage. However, workers will be assured of the right to return to their jobs when negotiations are completed. Again, a strike is an unfortunate outcome that is in no one's best interest. Workers lose wages, and owners lose business. But with H.R. 5, both sides will have the optimal incentive to bargain in good faith and to resolve their differences as quickly as possible.

I urge my colleagues to join me in supporting H.R. 5.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute and 15 seconds to our friend, the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I rise in strong support of H.R. 5, the Cesar Chavez Striker Replacement Act of 1993. As a member of the Education and Labor Committee, I want to commend the fine work of both Chairman FORD and Chairman WILLIAMS.

I am a cosponsor and strong supporter of H.R. 5 and voted for it when the House passed it 2 years ago. When President Reagan fired the air traffic controllers in 1981, he sent a message to business that it was OK to dismiss striking workers. Since this time, many businesses have used this event as a way to tilt the collective balance in their favor.

H.R. 5 is legislation which attempts to restore the balance between labor and management in the collective bargaining process. H.R. 5 would prohibit employers from hiring permanent replacement workers during a labor dispute. Additionally, this legislation would forbid employers from discriminating against striking workers returning to their jobs once a labor dispute has ended.

Strikes are not risk-free, as some would have us believe. Workers view a strike as a weapon of last resort because being on strike means having no income. A person should not have to worry about losing his or her job permanently because of the decision to strike.

Mr. Chairman, I grew up in a union household because my father was an ironworker. I have lived through strikes and know the hardships that they cause for the workers involved.

The notion that somehow workers want to go on strike or want to prolong a strike beyond 10 weeks is absurd.

I remember when my father went on strike how difficult it was for our family to make ends meet. Going on strike is something workers do only as a last resort, and it is important for us to ensure that workers continue to have the right to strike so that they can achieve gains through the collective bargaining process. H.R. 5 will help us reach this goal.

Therefore, Mr. Chairman, I strongly support H.R. 5 and strongly oppose the Ridge amendment, because anything that places restrictions on H.R. 5 or attempts to gut H.R. 5 is not fair and is not in the best interests of workers or the American people.

Mr. WILLIAMS. Mr. Chairman, I yield myself the final minute.

Mr. Chairman, this is nearly the identical amendment that we voted on in the last Congress. It was then offered not by the current sponsor, but rather by the gentleman from Pennsylvania [Mr. GOODLING].

At that time the National Association of Manufacturers was against the amendment. I do not know where they are this time.

The National Federation of Independent Businesses was against the amendment. I do not know what they have done this time.

The U.S. Chamber of Commerce was against the amendment the last time it was offered. I do not know what they have done this time.

I assume they are all still against it, because the gentleman has made it worse than it was last time.

Last time it did not encourage the hiring of replacement workers. This time it does because the clock does not start ticking to determine when 10 weeks have passed until the boss has hired a replacement worker, so it encourages quick hiring of replacement workers.

So I assume that those business organizations which our side shall be voting with again this year are still opposed to the gentleman's amendment.

Mr. Chairman, I encourage my colleagues to support those businesses and industry associations, as well as the AFL–CIO who also, incidentally, is against the amendment of the gentleman from Pennsylvania [Mr. RIDGE].

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania [Mr. RIDGE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. RIDGE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 58, noes 373, not voting 7, as follows:

[Roll No. 223]

AYES—58

Allard	Gunderson	Rogers
Bachus (AL)	Hansen	Rohrabacher
Baker (LA)	Hayes	Ros-Lehtinen
Bentley	Hobson	Roth
Bereuter	Hoke	Roukema
Bilirakis	Horn	Santorum
Blute	Houghton	Schaefer
Buyer	Johnson (CT)	Schiff
Callahan	Klug	Shays
Clinger	Kolbe	Smith (MI)
Dickey	Lazio	Smith (OR)
Duncan	Lewis (FL)	Snowe
Ewing	Machtley	Spence
Fawell	Mazzoli	Taylor (NC)
Franks (NJ)	Meyers	Torkildsen
Gekas	Parker	Walsh
Goodling	Petri	Weldon
Goss	Ravenel	Young (FL)
Grandy	Regula	
Greenwood	Ridge	

NOES—373

Abercrombie	Costello	Grams
Ackerman	Cox	Green
Andrews (ME)	Coyne	Gutierrez
Andrews (NJ)	Cramer	Hall (OH)
Andrews (TX)	Crane	Hall (TX)
Applegate	Crapo	Hamburg
Archer	Cunningham	Hamilton
Armey	Danner	Hancock
Bacchus (FL)	Darden	Harman
Baesler	de la Garza	Hastert
Baker (CA)	de Lugo (VI)	Hastings
Ballenger	Deal	Hefley
Barca	DeLauro	Hefner
Barcia	DeLay	Herger
Barlow	Dellums	Hilliard
Barrett (NE)	Derrick	Hinchey
Barrett (WI)	Deutsch	Hoagland
Bartlett	Diaz-Balart	Hochbrueckner
Barton	Dingell	Hoekstra
Bateman	Dixon	Holden
Becerra	Dooley	Hoyer
Beilenson	Doolittle	Huffington
Berman	Dornan	Hughes
Bevill	Dreier	Hutchinson
Bilbray	Dunn	Hutto
Bishop	Durbin	Hyde
Blackwell	Edwards (CA)	Inglis
Bliley	Edwards (TX)	Inhofe
Boehlert	Emerson	Inslee
Boehner	Engel	Istook
Bonilla	English (AZ)	Jacobs
Bonior	English (OK)	Jefferson
Borski	Eshoo	Johnson (GA)
Boucher	Evans	Johnson (SD)
Brewster	Everett	Johnson, E. B.
Brooks	Faleomavaega (AS)	Johnson, Sam
Browder	Fazio	Johnston
Brown (CA)	Fields (LA)	Kanjorski
Brown (FL)	Fields (TX)	Kaptur
Brown (OH)	Filner	Kasich
Bryant	Fingerhut	Kennedy
Bunning	Fish	Kennelly
Burton	Flake	Kildee
Byrne	Foglietta	Kim
Calvert	Ford (MI)	King
Camp	Ford (TN)	Kingston
Canady	Frank (MA)	Kleczka
Cantwell	Franks (CT)	Klein
Cardin	Frost	Klink
Carr	Furse	Knollenberg
Castle	Gallegly	Kopetski
Chapman	Gallo	Kreidler
Clay	Gejdenson	Kyl
Clayton	Gephardt	LaFalce
Clement	Geren	Lambert
Clyburn	Gibbons	Lancaster
Coble	Gilchrest	Lantos
Coleman	Gillmor	LaRocco
Collins (GA)	Gilman	Laughlin
Collins (IL)	Gingrich	Leach
Collins (MI)	Glickman	Lehman
Combest	Gonzalez	Levin
Condit	Goodlatte	Levy
Conyers	Gordon	Lewis (CA)
Cooper	Grams	Lewis (GA)
Coppersmith	Green	Lightfoot
Linder	Orton	Slaughter
Lipinski	Owens	Smith (IA)
Livingston	Oxley	Smith (NJ)
Lloyd	Packard	Smith (TX)
Long	Pallone	Spratt
Lowey	Pastor	Stark
Maloney	Paxon	Stearns
Mann	Payne (NJ)	Stenholm
Manton	Payne (VA)	Stokes
Manzullo	Pelosi	Strickland
Margolies-Mezvinsky	Penny	Studds
Markey	Peterson (FL)	Stump
Martinez	Peterson (MN)	Stupak
Matsui	Pickett	Sundquist
McCandless	Pickle	Swett
McCloskey	Pombo	Swift
McCollum	Pomeroy	Synar
McCrery	Porter	Talent
McCurdy	Portman	Tanner
McDade	Poshard	Tauzin
McDermott	Price (NC)	Taylor (MS)
McHale	Pryce (OH)	Tejeda
McHugh	Quillen	Thomas (CA)
McInnis	Quinn	Thomas (WY)
McKeon	Rahall	Thompson
McKinney	Ramstad	Thornton
McMillan	Reed	Thurman
McNulty	Reynolds	Torres
Meehan	Richardson	Torricelli
Meek	Roberts	Towns
Menendez	Roemer	Traficant
Mfume	Romero-Barcelo (PR)	Tucker
Mica	Rose	Underwood (GU)
Michel	Rostenkowski	Unsoeld
Miller (CA)	Rowland	Upton
Miller (FL)	Roybal-Allard	Valentine
Mineta	Royce	Velazquez
Minge	Rush	Vento
Mink	Sabo	Visclosky
Moakley	Sanders	Volkmer
Molinari	Sangmeister	Vucanovich
Mollohan	Sarpalius	Walker
Montgomery	Sawyer	Washington
Moorhead	Saxton	Waters
Moran	Schenk	Watt
Morella	Schroeder	Waxman
Murphy	Schumer	Whitten
Murtha	Scott	Williams
Myers	Sensenbrenner	Wilson
Nadler	Serrano	Wise
Natcher	Sharp	Wolf
Neal (MA)	Shaw	Woolsey
Neal (NC)	Shepherd	Wyden
Norton (DC)	Shuster	Wynn
Nussle	Sisisky	Yates
Oberstar	Skaggs	Young (AK)
Obey	Skeen	Zeliff
Olver	Skelton	Zimmer
Ortiz	Slattery	

NOT VOTING—7

DeFazio	Hunter	Wheat
Dicks	Rangel	
Henry	Solomon	

□ 1744

Mr. KOLBE changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. LEVIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes, pursuant to House Resolution 195, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The amendments recommended by the Committee on Education and Labor printed in the bill are considered as adopted.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GOODLING. Mr. Speaker, I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GOODLING moves to recommit the bill, H.R. 5, to the Committees on Education and Labor, Energy and Commerce, and Public Works and Transportation.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 190, not voting 4, as follows:

[Roll No. 224]

AYES—239

Abercrombie	Cantwell	English (AZ)
Ackerman	Cardin	Eshoo
Andrews (ME)	Carr	Evans
Andrews (NJ)	Chapman	Fazio
Andrews (TX)	Clay	Fields (LA)
Applegate	Clayton	Filner
Bacchus (FL)	Clement	Fingerhut
Baesler	Clyburn	Fish
Barca	Coleman	Flake
Barcia	Collins (IL)	Foglietta
Barlow	Collins (MI)	Ford (MI)
Barrett (WI)	Condit	Ford (TN)
Becerra	Conyers	Frank (MA)
Beilenson	Coppersmith	Franks (NJ)
Bentley	Costello	Frost
Berman	Coyne	Furse
Bevill	Cramer	Gejdenson
Bilbray	Danner	Gephardt
Bishop	DeFazio	Gilman
Blackwell	DeLauro	Glickman
Boehlert	Dellums	Gonzalez
Bonior	Deutsch	Gordon
Borski	Diaz-Balart	Green
Brooks	Dicks	Gutierrez
Browder	Dingell	Hall (OH)
Brown (CA)	Dixon	Hamburg
Brown (FL)	Durbin	Hamilton
Brown (OH)	Edwards (CA)	Harman
Bryant	Edwards (TX)	Hastings
Byrne	Engel	Hefner

Hilliard	McHugh	Sawyer
Hinchey	McKinney	Schenk
Hoagland	McNulty	Schroeder
Hochbrueckner	Meehan	Schumer
Holden	Meek	Scott
Hoyer	Menendez	Serrano
Hughes	Mfume	Sharp
Inslee	Miller (CA)	Shepherd
Jacobs	Mineta	Skaggs
Jefferson	Minge	Skelton
Johnson (SD)	Mink	Slattery
Johnson, E. B.	Moakley	Slaughter
Johnston	Mollohan	Smith (IA)
Kanjorski	Moran	Smith (NJ)
Kaptur	Murphy	Stark
Kennedy	Murtha	Stokes
Kennelly	Nadler	Strickland
Kildee	Natcher	Studds
King	Neal (MA)	Stupak
Kleczka	Oberstar	Swett
Klein	Obey	Swift
Klink	Olver	Synar
Kopetski	Orton	Tanner
Kreidler	Owens	Thompson
LaFalce	Pallone	Thornton
Lantos	Pastor	Thurman
LaRocco	Payne (NJ)	Torres
Laughlin	Pelosi	Torricelli
Lazio	Penny	Towns
Lehman	Peterson (FL)	Traficant
Levin	Peterson (MN)	Tucker
Levy	Pomeroy	Unsoeld
Lewis (GA)	Poshard	Velazquez
Lipinski	Price (NC)	Vento
Lloyd	Quinn	Visclosky
Long	Rahall	Volkmer
Lowey	Reed	Washington
Maloney	Regula	Waters
Mann	Reynolds	Watt
Manton	Richardson	Waxman
Margolies-Mezvinsky	Roemer	Weldon
	Rose	Wheat
Markey	Rostenkowski	Williams
Martinez	Roybal-Allard	Wilson
Matsui	Rush	Wise
Mazzoli	Sabo	Woolsey
McCloskey	Sanders	Wyden
McDade	Sangmeister	Wynn
McDermott	Santorum	Yates
McHale	Sarpalius	Young (AK)

NOES—190

Allard	Dornan	Hyde
Archer	Dreier	Inglis
Armey	Duncan	Inhofe
Bachus (AL)	Dunn	Istook
Baker (CA)	Emerson	Johnson (CT)
Baker (LA)	English (OK)	Johnson (GA)
Ballenger	Everett	Johnson, Sam
Barrett (NE)	Ewing	Kasich
Bartlett	Fawell	Kim
Barton	Fields (TX)	Kingston
Bateman	Fowler	Klug
Bereuter	Franks (CT)	Knollenberg
Bilirakis	Gallegly	Kolbe
Bliley	Gallo	Kyl
Blute	Gekas	Lambert
Boehner	Geren	Lancaster
Bonilla	Gibbons	Leach
Brewster	Gilchrest	Lewis (CA)
Bunning	Gillmor	Lewis (FL)
Burton	Gingrich	Lightfoot
Buyer	Goodlatte	Linder
Callahan	Goodling	Livingston
Calvert	Goss	Machtley
Camp	Grams	Manzullo
Canady	Grandy	McCandless
Castle	Greenwood	McCollum
Clinger	Gunderson	McCrery
Coble	Hall (TX)	McCurdy
Collins (GA)	Hancock	McInnis
Combest	Hansen	McKeon
Cooper	Hastert	McMillan
Cox	Hayes	Meyers
Crane	Hefley	Mica
Crapo	Herger	Michel
Cunningham	Hobson	Miller (FL)
Darden	Hoekstra	Molinari
de la Garza	Hoke	Montgomery
Deal	Horn	Moorhead
DeLay	Houghton	Morella
Derrick	Huffington	Myers
Dickey	Hunter	Neal (NC)
Dooley	Hutchinson	Nussle
Doolittle	Hutto	Ortiz
Oxley	Roukema	Sundquist
Packard	Rowland	Talent
Parker	Royce	Tauzin
Paxon	Saxton	Taylor (MS)
Payne (VA)	Schaefer	Taylor (NC)
Petri	Schiff	Tejeda
Pickett	Sensenbrenner	Thomas (CA)
Pickle	Shaw	Thomas (WY)
Pombo	Shays	Torkildsen
Porter	Shuster	Upton
Portman	Sisisky	Valentine
Pryce (OH)	Skeen	Vucanovich
Quillen	Smith (MI)	Walker
Ramstad	Smith (OR)	Walsh
Ravenel	Smith (TX)	Whitten
Ridge	Snowe	Wolf
Roberts	Spence	Young (FL)
Rogers	Spratt	Zeliff
Rohrabacher	Stearns	Zimmer
Ros-Lehtinen	Stenholm	
Roth	Stump	

NOT VOTING—4

Boucher	Rangel
Henry	Solomon

□ 1804

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INCLUSION IN THE RECORD OF STATEMENT FROM THE PRESIDENT OF THE UNITED STATES IN SUPPORT OF H.R. 5, CESAR CHAVEZ WORKPLACE FAIRNESS ACT

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that a statement from the Office of the President in support of the legislation be placed in the RECORD.

The SPEAKER pro tempore. (Mr. MURTHA). Is there objection to the request of the gentleman from Montana?

There was no objection.

The text of the statement is as follows:

STATEMENT OF ADMINISTRATION POLICY—H.R. 5—Cesar Chavez Workplace Fairness Act

The Administration supports H.R. 5, as reported, which would protect employees who exercise their legal right to strike from being permanently replaced by their employers. H.R. 5 would restore balance in collective bargaining by allowing businesses to operate during a strike through alternative means, while preserving fundamental union rights. This balance, which will foster stability in industrial relations, will stimulate productivity and international competitiveness that are critical to our long-term economic strength.

The Administration opposes amendments that were made in order under the Rule because they would weaken the bill's protection for striking workers.

GENERAL LEAVE

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 5, the Cesar Chavez Workplace Fairness Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 999.

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There is no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2333, INTERNATIONAL RELATIONS ACT OF 1993 AND H.R. 2404, FOREIGN ASSISTANCE AUTHORIZATION ACT OF 1993

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 196 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 196

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2333) to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. After general debate the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2404) to authorize appropriations for foreign assistance programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. After general debate the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. HALL of Ohio. Mr. Speaker, House Resolution 196 is the rule provid-

ing for the consideration of H.R. 2333, the State Department Authorization Act of 1993 and H.R. 2404, the Foreign Assistance Authorization Act of 1993. The rule provides for 1 hour of general debate on H.R. 2333 to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. It is the intent of the Committee on Rules that general debate on H.R. 2333 be limited to debate on the State Department Authorization Act and its related agencies' issues. All points of order against consideration of H.R. 2333 are waived. The rule provides that the Committee of the Whole will rise without motion after general debate is completed on H.R. 2333, and no further consideration of the bill shall be in order except by subsequent order of the House.

In addition, Mr. Speaker, this rule provides 1 hour of general debate on another bill, H.R. 2404, the Foreign Assistance Authorization Act of 1993. This debate shall also be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. All points of order against the consideration of H.R. 2404 are waived by the rule. Finally, the rule provides that the Committee of the Whole will rise without motion after general debate on this bill is completed, and no further consideration of H.R. 2404 shall be in order except by subsequent order of the House.

Mr. Speaker, this is a carefully crafted rule which allows general debate only on two bills of importance to our Nation's security and foreign aid responsibilities. The Rules Committee originally received these two bills in one package. However, after a number of concerns were raised during the Rules Committee deliberations, an agreement was reached with all involved parties to bring these measures to the floor as two separate pieces of legislation.

In view of the rapidly changing world in which we live, I am glad my colleagues and I will have the opportunity to fully debate the important foreign policy implications associated with these two bills. H.R. 2333 provides funding levels for the State Department, the U.S. Information Agency, the Arms Control and Disarmament Agency, and other agencies which are vital to our interdependent world. The other piece of legislation, H.R. 2404, authorizes funds to meet our international security objectives as well as our Nation's economic assistance responsibilities. I am pleased to say spending levels in this bill are below the administration's request and below the level allowed in the budget resolution.

Mr. Speaker, this rule was passed out of the House Rules Committee with bipartisan support, in a vote of 10 to 0. I urge my colleagues to adopt it.

□ 1810

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 196 is an unusual, but not unprecedented rule. It makes in order 1 hour of general debate each on two bills which were originally reported from the Foreign Affairs Committee as one bill.

That originally reported bill, H.R. 2333, authorizes nearly $25 billion for the State Department and for U.S. foreign aid programs.

This is the first time, as far as we can recall, that these two major authorizations have been merged into one bill. And therein lies the rub as far as Members on our side were concerned.

The two authorizations were combined into a single bill, ostensibly for the purpose of expediting their consideration. But the problem is that there are those who can support the State Department portion of the bill but not the foreign aid portion. And so, the bill stood a chance, in its original form, of sinking under its own weight.

To remedy this unusual situation we requested this unusual rule to decouple the State Department and related agencies from the foreign aid programs. The rule does this by providing for the consideration of two bills—H.R. 2333, the reported bill, will be limited to the State Department; and a new bill, H.R. 2404, introduced on Tuesday, incorporates the foreign aid portion of the original bill.

Mr. Speaker, as I mentioned at the outset, this rule provides for general debate only on the two bills, with 1 hour for each. The rule also waives all points of order against both bills.

Once general debate is completed on each, the Committee will rise and further consideration will be subject to a second rule which will provide for the amendment process.

Mr. Speaker, I want to commend Chairman MOAKLEY and the Rules Committee as well as Foreign Affairs Committee Chairman HAMILTON, and the ranking minority member Mr. GILMAN for agreeing to this unusual procedure.

I especially want to commend the gentlelady from Maine [Ms. SNOWE], the ranking minority member on the Subcommittee on International Operations, for insisting on the separate consideration of these two measures.

She has always done a superb job on State Department authorization bills in the past, and I think she is correct in wanting to maintain the distinct identity and integrity of that authorization, and not allow it to be subsumed by foreign aid issues and controversies. Each measure should stand or fall on its own and not fall victim of the other.

The foreign aid authorization should be one of the most important foreign policy and national security measures to come before the full House. Now, it is no mystery that the concept of foreign aid is not popular among the American people. In the face of a $350 billion Federal deficit, it is unclear to most exactly why we spend $10 billion a year overseas. Therefore, constructing foreign aid legislation which can pass is an especially difficult task, but one which has been taken up with vigor by the highly respected chairman and ranking member of the Foreign Affairs Committee.

Foreign aid is not increased with this legislation. The $9.7 billion in aid authorized by this bill is less than the foreign assistance appropriated last year. Only one new foreign aid initiative is undertaken, the $900 million in aid to Russia and the other former Soviet Republics. Not only is that funded by reducing assistance to countries in Asia and Latin America, but Chairman HAMILTON and Mr. GILMAN worked together to include an innovative barter proposal which will show the American taxpayer that we are serious about applying new ideas to foreign aid.

I have been working with colleagues on both sides of the aisle to give the President the authority to negotiate aid for natural resource exchanges with Russia. Many of the former Soviet Republics are home to massive natural resource reserves—oil, gold, manganese, titanium, diamonds, and scores of others. The value of the mineral resources alone extends into the trillions of dollars. Therefore, I support the concept of barter for freedom, to trade short-term aid for long-term repayment in resources. This bill, thanks to bipartisan support and the leadership of Mrs. MEYERS of Kansas on the committee, includes a large measure of that barter for freedom concept.

The adoption of innovative new ideas like barter for freedom is the key to making foreign aid more palatable to the American people. Some of those ideas might not always originate on the Foreign Affairs Committee, or the Foreign Operations Subcommittee, which is why we need an open legislative process which permits all Members to contribute fully to foreign aid legislation. Of course, we must also reform the foreign aid bureaucracy, do a much better job targeting our aid, and explain how relatively small sums of money can really further American interests at home and abroad.

Toward these ends, there were some 52 amendments submitted to the Rules Committee for this bill. They are now the subject of bipartisan negotiations in an attempt to fashion the fairest rule possible. I will reserve judgment on that part II rule for now, and simply urge my colleagues to join me in supporting this general debate rule that separates the State Department and foreign aid programs into two bills.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from Ohio for yielding me the time and rise in support of the rule as thus far presented and the bill.

Let me make a couple of points, Mr. Speaker. The first is that as we know, our world is changing minute by minute and day by day around us. Probably at no point in the past has foreign aid been as important as it is now and as leveraged as it is now. A little bit of aid in this place or that place, if well thought out and carefully done, might make a huge difference to us 5 years or 10 years in the future, particularly on the Russian aid portion of the bill that will come up in the foreign operations bill. That I think is noteworthy.

But I would like to address today the Middle East part of the bill. As Members know, the 10th round of the peace talks started today, and Israel has made some unilateral concessions at the peace talks. So far the Palestinians have not given too much in return. But what allows Israel to make the kinds of concessions that it has is the kind of strong and secure support that our Nation has given to the State of Israel over the course of the last 40 years.

Everyone knows that there is still a state of war, that terrorism strikes. There is a boycott of every Israeli company.

This bill, in real terms, lets Israel know that it is not alone and has our support.

□ 1820

There is a danger of Iran in the Middle East. Again, Israel is the best State to contain that danger.

Iran is only several years away from nuclear weapons. They seem to be buying long-range ballistic missiles and strategic bombers enabling it to reach targets in Israel for the first time. This would be an awful time to send both a substantive and a political message to the State of Israel that we are cutting back. Fortunately this bill does not do that despite the fact that inflation, everything else, new needs come up, at least the bill holds its own in terms of support of Israel.

To me and many others in the House, this is very, very, very important.

The bill also contains important language that lays out very clearly what Syria must do if it wishes to improve its relationship with the United States, including allowing Syrian Jews to emigrate, ending the support of terrorist groups, ending its drug trafficking, withdrawing from Lebanon, and assisting with efforts to find Israeli POW's. Again, this language was put into the report, and I think it is extremely important.

Finally, I would say, Mr. Speaker, that it is easy to get up and demagog against this kind of bill. But in terms of our domestic well-being, as we have seen throughout the Reagan and Bush years and even the early Clinton months, foreign affairs can unfortunately intrude on our domestic well-being.

A smart policy that does not just throw money at a problem but carefully pinpoints dollars, as this bill does, that limits them but does not just end them, is our best way of not only ensuring world peace but ensuring that foreign affairs will not intrude on our domestic agenda.

Because the bill has strong support for Israel and because it does these things, I urge my colleagues to support it.

Mr. DREIER. Mr. Speaker, I yield 5 minutes to the distinguished ranking minority member of the Committee on Foreign Affairs, the gentleman from Middletown, NY, Mr. GILMAN.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

The Rules Committee has reported to the House a rule that I believe is a positive contribution toward ensuring that the Members can properly consider both of the important measures that were originally combined within H.R. 2333.

Mr. Speaker, as you know, the State Department authorization and foreign assistance authorization bills, although both within the jurisdiction of the Foreign Affairs Committee, have traditionally been debated separately in the House.

The Foreign Affairs Committee, however—working to get these bills to the floor with the expectation that only limited debate time would be available—reported both within one measure: H.R. 2333, the International Relations Act of 1993.

Although I shared a concern to get these bills to the floor so that our foreign affairs programs and operations might be properly authorized, I had reservations as to whether that approach was a proper one.

I expressed my concern to the Rules Committee when it met yesterday to grant a rule for consideration of H.R. 2333, and at that time I asked that the Rules Committee give us a rule that would allow this House to consider these bills separately.

Mr. Speaker, I am pleased that we have before us a rule that goes a long way toward doing that. First, it separates the two measures contained in the bill. Second, it provides separate time for general debate on each.

This rule does a far better service to the Members of this House by splitting these bills for separate consideration than it would have done if it had kept them linked together.

Therefore, I appreciate what Chairman MOAKLEY and ranking member SOLOMON of the Rules Committee have done to bring this about.

Of course, having said that, I must note that this is only a partial rule. I certainly hope that the Rules Committee will continue this good work when it meets today to consider the second part of this rule.

Let me note, in closing, Mr. Speaker, that I commend the gentlewoman from Maine, Congresswoman OLYMPIA SNOWE, for her efforts to ensure that each of these bills is considered separately and as fully as possible in the House.

Let me also thank our distinguished chairman, the gentleman from Indiana [Mr. HAMILTON], for expressing his support for this approach in his response to questions before the Rules Committee. I appreciate his concern for bringing these important authorization measures out onto the floor, and I commend as well as his interest to work with the members of his committee—on both sides.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Speaker, I rise to support the rule, but not the bill.

President Clinton has asked this country to sacrifice when he was elected President of the United States, and he made the tough choice by coming out and saying that you have to pay some more taxes to try to balance a budget that the people of this country want. He says we have to cut domestic spending.

What does that mean? It means we are going to cut programs for American senior citizens, cut into their Medicare, cut into children's programs, cut programs for American workers who have sacrificed, cut programs to help those who have actually sacrificed themselves into poverty, and then we are going to continue to finance nations throughout the world who despise America, who riot against America, burn our flag. It does not make sense to me.

American taxpayers in the 1980's coughed up $1.8 trillion for defense. Most of that money went to protect other people of the world. Sure, we could take a look at the Soviet Union and we could say we defeated them because we had a powerful army and we finally beat them down. Well, maybe we did.

But it was not paid for. We funded the Persian Gulf war, we were in Panama, we have been in Somalia, we are still there, in Grenada, and all that may be well, and we may have really done a wonderful thing. But it was not paid for.

Now we are going to be asked to send more money and foreign aid to some of these countries of the world who look upon us with disdain. None of this is paid for. So the Americans are asked to sacrifice more money.

I say that our focus has to be at home, and I say now, right now. Let us

cut foreign aid by at least 50 percent across the board to every country, and then we can downsize it from then on.

Our focus must be on domestic. It must be on domestic and not on foreign.

Stop giving the tax breaks to these companies who do business in the United States of America and then take our jobs and take them overseas; and change our trade policies, change our trade policies to keep American jobs in the United States so that we can have good jobs, pay the taxes on good wages, and I guarantee you that the Federal coffers will swell and that deficit will come down. That is what the answer is, my friends. It is not increasing foreign aid.

We have to have a commonsense approach to this, and I am going to oppose this bill.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the ranking minority member of the Subcommittee on International Operations, the gentlewoman from Auburn, ME [Ms. SNOWE].

Ms. SNOWE. Mr. Speaker, I would also like to express my gratitude for the efforts of the Committee on Rules, in particular the gentleman from New York [Mr. SOLOMON] and the gentleman from California [Mr. DREIER], for addressing my earlier overriding objections to this bill and the proposed process for its consideration.

I serve as the ranking Republican on the Foreign Affairs Subcommittee on International Operations. My subcommittee has jurisdiction over the State Department Authorization Act. This portion authorizes the budgets and basic operations of the State Department, the U.S. Information Agency, ACDA, the Board for International Broadcasting, and the operating budget of AID. It also provides for U.S. contributions to the United Nations and other international organizations. Out of a $7.3 billion bill, the State Department authorization is only $76 million above the fiscal year 1993 appropriated level. And after a floor cutting amendment that the chairman, the gentleman from California, and I plan to offer, the bill's authorization level will be below a hard freeze at the fiscal year 1993 level.

Originally, this bill had taken the unprecedented step of combining the State Department authorization with the foreign aid authorization. This, in turn, led the committee managers of the bill to seek a modified closed rule. This was done because of time constraints and due to their overriding interest in passing a foreign aid authorization for the first time in 8 years.

In the process, however, the Foreign Affairs Committee's two major authorization bills were linked for the first time, and the fate of the less controversial State Department bill was endangered. If this problem was not somehow addressed, I was prepared to vigorously oppose the combined bill and urge its defeat on final passage.

Fortunately, this rule allows for the separation of the State Department and foreign assistance authorization bills. In essence, it provides for the separate consideration of both bills, which were unwisely combined during full Foreign Affairs Committee markup. If this rule is adopted, the House will be able to work its will individually on each bill. Each bill then will be separately voted on for final passage, and each will go on to their individual fate in conference with the other body.

Mr. Speaker, I am grateful to Mr. SOLOMON and other members of the Rules Committee for their cooperation in trying to fix the procedural errors of the Foreign Affairs Committee. Given what they had to work with, I believe they did a creditable job, and I intend to vote for this rule.

I am giving my support for this rule, however, with some reluctance. If the State Department authorization had been reported out of the Foreign Affairs Committee on its own, as it always has in the past, it could easily have come up under an open rule and had complete consideration on the floor in less than 1 full legislative day.

I can say this with confidence, as I serve as the ranking Republican on the Foreign Affairs International Operations Subcommittee, which has jurisdiction over the State Department authorization. That bill is Division A under the combined International Relations Act of 1993. I would have been proud to work with the chairman of the subcommittee, the gentleman from California [Mr. BERMAN] in presenting this bill to the House for a free and open consideration.

That will not be possible because technically this rule remains a modified closed rule. The members of the Rules Committee did the best they could to address this problem by making in order all of the proposed amendments presented to them by noon yesterday. I believe that those who worked on this process this year now realize the benefits to all involved of bringing the State Department bill to the floor under an open rule. I hope that this will be a one-time aberration.

Again, I intend to vote for the rule, urge my colleagues to support its passage.

□ 1830

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from new Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of this bill and urge passage of the rule. As Members of the legislature of the greatest Nation in the world, perhaps the greatest Nation in the history of the world, we have to speak honestly to the American people.

This means we have to tell the American people that this debate is not just about foreign aid; it is about world leadership. It is about the awesome responsibilities that the United States must continue to assume as the world's only remaining superpower.

For more than 40 years we promoted the idea that we were prepared to fight to preserve basic, American values, promote democracy and respect for human rights, and to help establish free markets throughout the world.

Weapons alone did not win the cold war. The strength and universal appeal of our ideas and our firm commitment to defend them if necessary, did, But the end of the cold war does not mean that we can begin to turn our backs on a world which now more than ever seeks our leadership and guidance. We are treading dangerous ground indeed if we choose to abandon our world leadership responsibilities at this critical time.

No; now is not the time to embrace a new isolationism. Instead, now is the time for the United States to step forward and stand tall as the leader of a bold new internationalism which benefits the world but at the same time benefits each and every one of our citizens here at home.

Mr. Speaker, this bill is also about jobs. It is about developing markets abroad for "Made in the USA" goods and services; it is about selling those great American products overseas so that we can create more jobs here at home.

Let's tell the American people the truth:

This is not a handout to foreign countries. Nor does it export U.S. jobs abroad; $3 out of every $4 in this bill ends up being spent here at home. And that means jobs for Americans.

When we give food assistance to developing countries, more than 90 percent of it comes back to the United States by way of purchases of food by those countries from American farmers; 90 percent.

When we send American instructors and technical advisers overseas to help developing countries build their economies and infrastructures, the people of those countries learn that the American way works. They see how well "Made in the USA" products work and then buy them for years and years. That leads to increased sales of U.S. exports. And that too means more jobs here at home.

My congressional district suffers from one of the highest rates of unemployment in the State of New Jersey. One of the reasons that my constituents sent me here was to find them jobs. This bill will help us generate jobs here at home.

Despite all the ranting and raving about foreign aid, foreign assistance is one area in our Federal budget that cannot be blamed for our current defi-

cit. In fact, from 1981 to 1991 spending in our Federal budget ballooned out of control by growing at a rate of 43 percent. In that same period, however, foreign assistance spending grew only 6 percent.

Contrary to what some alarmists might tell you, our total foreign assistance package is equal to one-fifth of 1 percent of our national income. That pales by comparison to the days of the great Marshall plan, when foreign assistance spending exceeded 3 percent of our national income. I don't think that anybody in this House will tell you that we did not benefit enormously from the Marshall plan.

In fact, proportionately we rank 17th among industrialized nations in per capita foreign assistance spending. That's lower than Norway, lower than Belgium, lower even than New Zealand, not to mention Germany and Japan, who increasingly get more bang for their foreign aid bucks by selling more and more exports abroad.

Mr. Speaker, I have come to the floor for two reasons. First, I want to remind my colleagues that America must continue to act like the great Nation that it is. This bill is an important part of that effort. Second, I am here to urge all of my freshman colleagues especially to support a strong America by voting for this bill.

ANNOUNCEMENT OF THE DEATH OF THE HONORABLE JOHN CONNALLY

(By unanimous consent, Mr. PICKLE was allowed to speak out of order.)

Mr. PICKLE. Mr. Speaker, it is with deep regret that I inform the House that this afternoon the Honorable John Connally, former Governor of Texas, died in a Houston hospital. Governor Connally had been hospitalized for several days for lung, pneumonia, and circulatory problems. Governor Connally served as Secretary of the U.S. Navy, appointed by former President John Kennedy, and later as Secretary of the U.S. Treasury, appointed by President Richard Nixon.

As a lifelong friend since University of Texas days, he was my classmate, my fraternity brother, my partner in business, and close personal friend.

John Connally was clearly one of the strongest men who ever served this Nation. He could have become President of the United States, but fate did not allow it. But his life has been a beacon of accomplishment for millions of people.

Funeral services are tentatively scheduled for Thursday afternoon in Austin, TX.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise to express my strong support for the rule for H.R. 2404, the Foreign Assistance Authorization Act of 1993, and I commend the distinguished chairman of our committee, the gentleman from Indiana [Mr. HAMILTON], as well as the distinguished ranking minority member, Mr. GILMAN.

Many ask: Why support foreign aid when we have so many domestic needs? Let me say that it is precisely because of these domestic needs that we need foreign aid.

We must support foreign aid because it is one of the most important diplomatic tools of American foreign policy. Support for our friends and allies throughout the world helps give them the wherewithal to meet their own defense needs, thereby increasing U.S. influence around the world.

Our Security Assistance Program saw its genesis right after World War II. It was an important part of our attempt to contain communism. Now with the end of Soviet communism, and with crises of a very different nature upon us, it is evident that we must reassess our priorities.

The assistance we got from Israel and Egypt during the gulf war is indicative of the sort of benefits foreign aid yields to our Nation.

The international importance of our foreign aid program is obvious, but why is it in our own economic interest? To help bring this bill a little closer to home, let me cite a few figures:

Almost 75 cents of every dollar appropriated for foreign aid is spent right here in the United States—on U.S. products and services.

In 1990 developing nations bought 127 billion dollars' worth of U.S. products.

More than 30 percent of all U.S. exports go to the developing world.

More than half of America's agricultural exports go to the developing world.

Forty-three of the fifty largest buyers of American farm goods today are countries that used to get foreign aid from the United States.

If those economic facts are not powerful enough, most of us would agree that helping the poorest of the poor improve their living conditions is certainly a salutary endeavor.

Mr. Speaker, this bill reduces foreign aid spending $227 million below the President's request. It is a lean, stripped down bill to give maximum flexibility to the State Department, yet it still addresses some of the most critical foreign policy issues of the day.

This bill allows the arms embargo to be lifted on Bosnia. It authorizes assistance to war victims in the former Yugoslavia. This legislation also increases funding to combat population growth, and increases assistance for programs aimed at democracy building abroad.

As chairman of the Subcommittee on Asia and the Pacific, I am occasionally asked why does the Untied States provide aid to a region of the world whose economic performance has surpassed that of the United States?

The answer is simple. The region also contains several of the very poorest Nations on Earth. The scourge of poverty, and the rapid spreading of AIDS in the region are just two of the reasons why the small programs in Asia and the Pacific are vitally important.

In addition to the humanitarian perspective, many do not realize that over 2 million U.S. jobs depend on exports to Asia. U.S. foreign assistance to Asia is modest, yet absolutely essential.

Mr. Speaker, I urge members to vote for the rule, and I implore you to vote for the bill. It is essential for our foreign policy, more importantly, it is essential for America.

□ 1840

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Sanibel, FL, Mr. GOSS, a veteran of the Committee on Foreign Affairs who now serves on the Rules Committee.

Mr. GOSS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it is important to say at the outset that this bill alone does not spend one dime. It simply sets policy guidelines and priorities for our foreign aid programs. It is a blueprint. It is an authorization, not an appropriation.

Framed in a climate of growing resentment and frustration with our foreign aid programs, this bill's ultimate fate depends on how well it reforms the present outdated and inefficient foreign aid bureaucracy.

Yesterday in the Rules Committee, 20 members—Democrats and Republicans—offered over 50 amendments to improve on the reforms in the bill. These amendments sought to make foreign aid programs more accountable, more efficient, and more investment oriented. All of these changes are crucial if we are to regain the trust and support of an American public grown weary of waste, inefficiency and backwards priorities in foreign affairs.

There is a case to be made for responsible foreign assistance—the trouble is that no one has been able to outline effectively and clearly why certain foreign aid programs are in this Nation's best interest. And that is the point of the debate on this floor this week.

Americans rightfully expect to see tangible results and return on their investment. We are not going to succeed unless we can look them in the eye and tell them that their tax dollars are being used wisely.

That is why an open rule is so important. In over 4 hours of testimony yesterday in the Rules Committee, we heard many worthwhile amendments to make this bill better. Open discussion of all these ideas is essential if we are to make this bill more responsive to the wishes of the American people we work for.

Let us practice what we preach about democracy. Let us have an open rule. Maybe after full debate we will find we have a bigger constituency supporting this authorization than we know.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER], a hard-working member of the Foreign Affairs Committee and my former seatmate on the Banking Committee.

Mr. BEREUTER. Mr. Speaker, I rise in support of part one of the rule and urge my colleagues to do likewise. In expressing this support for the rule this Member would recognize that some of our colleagues will regrettably rather automatically oppose a foreign assistance bill.

Mr. Speaker, I would assure my colleagues that this Member too believes that Congress and the Nation have gone too long without a thorough reassessment and reform of United States foreign assistance programs. The world has changed profoundly from the cold war environment that shaped much of the rationale for the Foreign Assistance Act of 1961. New dangers, including ecological damage and epidemic AIDS, have arisen, and overall priorities need to be reexamined. Africa's development problems, in particular, are serious and need creative attention. Much has happened and should have been learned in the last 30 years, from both the successes and from the failures of the aid program, and about how aid can produce effective and lasting positive results. But those changes and lessons have not been fully reflected in legislation; nor, largely, have they been reflected in AID's activities and operations.

Mr. Speaker, a reform effort is underway in the Clinton administration, it is said, and, within the House. The chairman of the Foreign Affairs Committee, the distinguished gentleman from Indiana [Mr. HAMILTON] and the ranking member, the distinguished gentleman from New York [Mr. GILMAN] cochaired a task force on foreign aid reform way back in 1988. They have worked diligently in the last two Congresses with the Foreign Affairs Committee to enact reform legislation, but alas without final success. Section 1101 of H.R. 2333 makes it clear that the Congress remains convinced of the need for immediate reform and is prepared to enact reform legislation in time for the fiscal year 1995 authorization and appropriation cycle. To facilitate this reform process, the President is required to submit a plan for comprehensive foreign assistance reform within 60 days of the enactment of H.R. 2333.

Mr. Speaker, this Member, together with the distinguished gentleman from Ohio [Mr. HALL], introduced a resolution last month which lays out for the President suggestions for elements of such a reform plan. This resolution, only recently introduced, which goes by the name "Many Neighbors, One Earth," already has 75 cosponsors in the House. A companion resolution with 10 cosponsors has also been introduced in the other body. The Many Neighbors, One Earth resolution (H. Con. Res. 100) reflects the views of many U.S. citizens that they are ready and willing to support a post-cold war foreign economic aid program if, and I emphasize the word "if," it gives priority to reducing global hunger and poverty.

Mr. Speaker, America's foreign aid program must be effective, it must be based in participatory approaches that strengthen global democracy, it must be environmentally sound, and it must focus on increasing the economic opportunities and productivity of the very poor, especially poor women. This can be accomplished by shifting about 5 percent of expenditures from lower to higher priority programs within the total for foreign aid, without increasing overall expenditures.

If other Members would like to join in sending a message to the administration about the type of foreign aid reform that is necessary for Members to be able to support authorizations and appropriations in the future, please consider becoming a cosponsor of the Many Neighbors, One Earth resolution in conjunction with your votes on the fiscal year 1994 authorizing and appropriations bills. However, Mr. Speaker, with the prospect for real reform of our foreign aid programs demanded by the Congress and now certainly attainable, I urge my colleagues to approve the bill and keep an open mind on the foreign aid bill which will follow.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Speaker, I rise in favor of the rule and in favor of foreign assistance in general.

We have many areas throughout the globe, including Africa and other areas, where we need continued foreign assistance.

I would like at this time, though, to impart a little of my experience of late upon my recent trip to Israel and to the Middle East and focus a little bit upon the attention that we need to give specifically to the recurring foreign assistance to the State of Israel to the tune of $3 billion.

Mr. Speaker, it is clear to me and clear to those of us who went on a tour of the Holy Land of late that Israel is the only ally in democracy that we can look to in the Middle East, an area that is extremely volatile and extremely dangerous with so many different Arab States, factions, and factions within factions. It is extremely important that we provide some type of regional stability in that area.

In fact, Mr. Speaker, when one thinks about the monumental questions that are facing not only this Congress, but this country right now in terms of whether we have a Btu tax or a gas tax, all those issues will go by the wayside when we realize that we will not have any access to oil if we do not create stability within the Middle East, and Israel most certainly is a key to that stability.

The success and the security of the State of Israel is inextricably bound to the success and the security of the United States of America. With the proliferation of conventional weapons and even now, Mr. Speaker, God forbid, unconventional weapons, to wit the nuclearization of many Arab States, Iran and others, we can ill-afford at any time, and particularly at this time to withdraw our support from Israel.

In fact, Mr. Speaker, our support for Israel has never been more important than it is right now, particularly with the 10th round starting in the peace process. I had an opportunity, I was very fortunate to have a one-on-one conversation with the Prime Minister, Yitzhak Rabin. In that dialog, it is obvious to me that here for the first time we have a leader on the Israeli side who is willing to take risks for peace, who is willing to step up to the plate and to through a lot of the convoluted issues, many of which are underlined with centuries of religious fanaticism and extremism and say that he is willing on behalf of his country to have peace.

If the United States withdraws its support to Israel, military and economic assistance at this time, it would send a dangerous message to not only Israel, but the other Arab countries who are trying to have peace talks with Israel, because these peace talks are not only bilateral, they are multilateral. They involve Jordan. They involve Syria, as well the representatives of the PLO, Hamas, and all the other organizations that are trying to attain peace.

In conclusion, Mr. Speaker, it is extremely important that we take this window of opportunity, that we exploit it to maintain peace, maintain regional stability, and after we have peace through the funding of foreign assistance, we will see an end to the boycott and we will see a better situation in the Middle East.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Wilmette, IL, Mr. PORTER, one of our thoughtful appropriators.

Mr. PORTER. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I am both encouraged and somewhat troubled by certain provisions the State Department Authorization legislation providing for foreign broadcast services, or radios. I am encouraged because the language of the bill authorizes Radio Free Asia. It may be called Asian Democracy Radio, but it is the same concept that is embodied in legislation cosponsored by myself

and the gentlewoman from Maryland [Mrs. BENTLEY].

Obviously, it is an idea that is needed very much in the world today. It is not the blunt instrument of MFN withdrawal, but it addresses a very great concern that is being seen today, Mr. Speaker, at the U.N. World Conference on Human Rights which has convened in Vienna, the Universal Declaration of Human Rights is being bombarded by the cry that there should be cultural relativism in human rights, that certain societies should treat human rights differently than others.

□ 1850

For those of us that believe that human rights are universal, the fact that these proposals come from egregious human rights violators, like China and Burma, is deeply troubling. In this context, the concept of a Free Radio, a surrogate radio, for Asia, makes great sense. I am also encouraged that this legislation retains Radio Free Europe and Radio Liberty which are still very much needed in areas of the world where the concepts of democracy are new and the practice of democracy is just now being learned.

I am somewhat troubled, on the other hand, by what the President said in his press conference today because the authorization is for a new structure that will cover all of our foreign broadcasts and will eliminate the Board for International Broadcasting. There would be apparently a new board within the USIA that will oversee Radio Free Asia, Radio Free Europe, Radio Liberty, and the Voice of America and the other broadcasting services. This flies in the face of the recommendations of two separate commissions, one a Presidential commission that wants to ensure, as we should ensure, that the surrogate radios retain their independence. The surrogate radios are not there to give the message of the United States as is the Voice of America. They are different from VOA. They are there to broadcast truth within societies where all the news is censored.

What is the reason for having a single entity? Is it savings? If so, I ask, "Why doesn't the President say so?" Also the commitment, it seems to me, is rather open-ended. How will this work in practice? Perhaps very well. The exact structure apparently is not clear to us and is not even contained in the legislation. Our job here in the Congress is to legislate. We need clear signals from the White House if they have ideas about legislation. What this bill really does is to leave open the question of the future of our foreign broadcast services, leave it for the Senate to decide, perhaps, address it in conference. I think we should have a chance to address it here in the House.

So, I am encouraged by the fact that we are going to have Asian Democracy Radio, very encouraged, but very troubled by the structure under which it will apparently exist.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Dallas, TX, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I want to thank my colleague and friend, the gentleman from California [Mr. DREIER], for the opportunity to voice my opposition to this bill, and, as my colleagues know, this bill just does not cut enough spending period. Last month the liberal Members of Congress passed the largest tax increase in the country's history. They did this on the premise that they would include massive cuts in all areas of excessive Government spending.

However, in this bill, out of $7.4 billion requested for the State Department in fiscal year 1994, only 1.5 percent was cut. And, out of almost $10 billion requested for foreign assistance, not even 1 percent was cut.

Not one dollar was cut out of salaries and operating expenses for these agencies. In fact, out of the 38 areas targeted for authorization funding, only 5 were cut.

The most obscene provision is that which gives the President the authority to ignore the U.N. arms embargo on Bosnia and send over $200 million in military equipment. This provision is out of place and wrong.

As my colleagues know, the purpose of the embargo is to prevent the escalation of fighting by prohibiting the infusion of arms. In fact, President Clinton just recently backed away from advocating this very position, because he, as well as our allies, know that to arm the Bosnians will only escalate the violence, not end it.

And finally, I am not sure how we can possibly authorize money for foreign assistance programs except those that have been well defined in the past when the President does not even have a foreign policy defined. The President has consistently waffled on his foreign policy decisions, and we cannot possibly fund objectives that are still unclear.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Overland Park, KS, Mrs. MEYERS, a member of the Committee on Foreign Affairs with whom I have worked closely on the issue of barter for freedom as we address the Soviet aid issue.

Mrs. MEYERS of Kansas. Mr. Speaker, I would like to express my support for part 1 of this rule and for the bill. I think foreign aid, while it is enormously difficult, does open up areas of trade for us and continues our role of leadership in the world. I have some of the same concerns that my friend, the gentleman from Texas [Mr. JOHNSON], just expressed, but I think overall we have got to continue our role of foreign aid.

I would like to express my appreciation to the gentleman from Indiana [Mr. HAMILTON], and especially the gentleman from New York [Mr. GILMAN], for their assistance in placing section 1311(d) in this legislation, and this provision authorizes barter agreements with the former Soviet Republics, and it will greatly improve our aid program toward these Republics. In addition, the gentleman from California [Mr. DREIER] has been a real leader in attempting to bring about these trade exchange programs. Most importantly, it will increase the public acceptance of this vital mission. I am sure that all of my colleagues have had constituents ask why were we giving aid to Russia when that country had so many resources it could trade to us. I hope that I have explained how important it is to American interests to support the former Soviet Republics in reforming their economies and becoming democratic societies. And some of my constituents just look at me and grumble. But when I mention that I support exchanging a portion of our aid for natural resources they brighten up and say that is the way to go.

The former Soviet Republics are not poor countries. Their economies were destroyed by 70 years of central planning. They do need our help in letting a rational market develop.

The Republics have vast natural resources. The former Soviet Union ranked first in world production of manganese, titanium, and nickel. It ranked second in aluminum, tungsten, vanadium, and the platinum group metals. It ranked fourth in gold production with reserves behind only South Africa. Many of them are not easily utilized because the Communist leadership overexploited them for short-term gains and need our technical assistance to start them performing again. Once that adjustment can be made, those resources can be developed. Then the Republics can join the world economy as equal players.

I appreciate the chairman's cooperation in helping to authorize these exchange agreements. But that is not enough; they actually have to be made and implemented. Congress must insist that the administration use this authority when appropriate. Congress must indicate that this is not a hollow authorization, and that we expect the administration to take it seriously and make every effort to negotiate appropriate agreements for future reimbursement.

There are many methods to get this reimbursement. It can be a direct trade—aid now for raw materials later. The minerals can be used as collateral for loans and credit guarantees to decrease the subsidy cost and leverage more assistance. I trust the administration can come up with innovative solutions if they try. If you don't like the term barter, think of it as buying a

futures contract. We are investing in the success of economic and democratic reform in the Soviet Republics. It seems reasonable that America get something in return.

I know that it will take time to make an assessment as to how reimbursement can be arranged. So we have to start now. I am confident that this can be developed in a way that allows us to present tangible results to the American people and treat the people of the former Soviet Union as true partners rather than subjects of charity.

If Congress is to be relevant in formulating America's foreign policy, we must develop policy that will receive sustained support by the American people. Emphasizing the exchange of assistance now for reimbursement in the future will generate the support that this aid program needs.

Mr. DREIER. Mr. Speaker, to close the debate, I yield the balance of our time to my very good friend, the gentlewoman from Staten Island, NY, Ms. MOLINARI.

Ms. MOLINARI. Mr. Speaker, the world has watched with horror, night after night, tale after tale, of death and destruction in the former Republics of Yugoslavia, Slovenia, Croatia, and Bosnia. The war has taken its toll on hundreds of thousands of innocents and has left the rest of the world far from innocent as we watched and did absolutely nothing. This bill may help to reverse this terror trail first with ending the arms embargo in Bosnia and allowing those people who are left to defend themselves. I have offered two amendments to increase CSC monitors in Kosova and to establish U.N. peacekeepers there.

□ 1900

Why is it so important? Look at what we have right here. Here is the beleaguered area of Bosnia and Herzegovina. Here is Serbia and rump Serbia, an area that is controlled and dominated by Serbian Communists. Macedonia is an area we have already acknowledged by the United Nations, and we are sending peacekeepers in today.

That leaves one very vulnerable area left in the region, and that is Kosova. An ethnic cleansing is taking place there now as we speak.

The Commission on Human Rights expresses its grave concern at the deteriorating human rights situation in Serbia, particularly in Kosova, and condemns the violations of human rights occurring there, including police brutality against ethnic Albanians, arbitrary imprisonment of ethnic Albanian journalists, and closure of Albanian-language mass media.

That is from the U.N. Commission on Human Rights. Several of us just came back from there and understand that this is a situation that is about to fall. It is a situation that tears at the heartstrings of every American that desires total democracy and independence for every person on this globe.

Mr. Speaker, it may be too late in Bosnia, but in this foreign aid bill tonight we may be able to stop it from happening in Kosova, and those people and the spirit of all those people that we have lost and could still lose will stand up and cheer.

Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding, and urge passage of the rule and consideration of these two amendments to establish some monitoring and some conscience in the Republic of Kosova.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FOREIGN ASSISTANCE AUTHORIZATION ACT OF 1993

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to House Resolution 196 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2404.

□ 1903

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2404) to authorize appropriations for foreign assistance programs, and for other purposes, with Mr. MCDERMOTT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 30 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we begin consideration of two bills: H.R. 2404, the Foreign Assistance Authorization Act of 1993, and H.R. 2333, the State Department, USIA, and Related Agencies Authorization Act, Fiscal 1994 and 1995.

There will be much debate and many amendments before we are through. But there is one overriding principle of foreign policy that ties the many parts of these two bills together: the need for strong, responsible leadership by the United States in the world today. The world is still dangerous and still requires us to be engaged and to lead.

We cannot meet all of the requests for help from our friends and allies around the world. We have many domestic problems crying out for attention. But if we pass this legislation we will be addressing the most important foreign policy problems and the most urgent foreign policy needs.

Most important of all, we will be acting in America's best interests.

APPRECIATION

As we begin general debate, I would like to thank my good friend and colleague from New York, BEN GILMAN, the ranking member of our committee, for his help and cooperation in bringing this important legislation this far, this quickly.

I would also like to thank all of the members of the committee, who have worked very hard and very cooperatively to draft a responsible bill that the Congress can pass and the President can sign.

I would like to thank my good friend DAVE OBEY for his cooperation, both in scheduling this bill in a way that accommodates the authorization, and in crafting a bill that complements our efforts.

I would like to thank Chairman DELLUMS, Chairman BROOKS, Chairman MILLER, and Chairman CLAY for their willingness to resolve possible jurisdiction conflicts in an amicable and accommodating fashion.

Finally, I would also like to express my appreciation to the House leadership. The window of opportunity for taking up this bill is narrow and limited. We are on the floor today because the leadership understands the constraints we were under. Our leaders have worked very hard to accommodate this legislation.

WINDOW OF OPPORTUNITY

Let me say a brief word to my colleagues about the window of opportunity and the restrictions we are under. The Committee on Foreign Affairs produced these two bills in near record time. We have been under a very tight schedule. We did not get the administration's proposed numbers until very late in the game—June 2. The appropriations bill was already scheduled to come to the floor this week.

If the House is to act on a foreign aid authorization, as a practical matter it must do so before the appropriations bill reaches the floor. So we had 2 weeks to draft these two bills, mark them up in subcommittees, mark them up in full committee, and bring them to the floor. No foreign aid authorization and State Department authorization have been produced in such a short time in recent memory.

We have been under a very tight schedule in committee and we are under a very tight schedule for the balance of today and tomorrow. That has affected the number of amendments that will be in order and the time available to debate them.

I realize there is some unhappiness about the rule. But I ask my colleagues: what is the alternative? There isn't one. If we do not act this week, we do not act.

WHAT IS IN THESE TWO BILLS?

Let me highlight the details of these two bills.

A. THE FOREIGN AID BILL

H.R. 2404 is a lean, stripped-down foreign aid bill that fully funds the highest priorities in the President's request, while holding overall spending below last year's levels.

Last year's comparable foreign aid appropriation was $9.9 billion. The bill before you today is $200 million less than that. This bill contains $2.3 billion for development assistance—$42 million less than last year. It includes $2.4 billion for the economic support fund—$246 million less than last year. It includes $3.3 billion for military assistance—$195 million less than last year.

With the exception of aid to Africa and to the states of the former Soviet Union, every foreign aid recipient is either at or below last year's level. Most are below.

The message of H.R. 2404 is very simple: We are squeezing foreign aid as tightly as we can.

B. THE STATE DEPARTMENT BILL

H.R. 2333, the companion bill, freezes State Department spending. It authorizes $4.3 billion for the State Department for fiscal 1994, compared with $4.3 billion last year. It clears away layers of State Department bureaucracy and gives the Secretary of State flexibility to organize the Department as he sees fit. It also caps the number of senior management positions in the Foreign Service, and limits the number of assistant secretaries and deputy assistant secretaries.

The bill supports our foreign broadcasting operations, which have been so important in spreading the message of democracy and freedom. It beefs up the Arms Control and Disarmament Agency, fully funds U.S. peacekeeping obligations, and increases funding for refugee assistance.

C. ADDRESSES KEY FOREIGN POLICY PRIORITIES

Lean as it is, this legislation still addresses our most important foreign policy priorities. It contains $903 million for aid to the states of the former Soviet Union. This is in full support of the President's request. This aid supports the highest foreign policy priority of the United States by supporting the reformers in the FSU—it keeps the political miracle alive.

It contains $3 billion for Israel, and $2.15 billion for Egypt. It includes $900 million in development assistance for Africa as well as a new initiative for conflict resolution in Africa. This is an increase of $100 million, a clear recognition of the importance the committee attaches to a strong U.S. policy toward Africa, a region that we have ignored at our peril.

The bill also includes a new $300 million capital projects initiative that is designed to get more U.S. companies involved in foreign aid. It prohibits aid to Zaire and Sudan, unless their governments begin to move toward democracy and respect for human rights. It prohibits any assistance that would result in a loss of U.S. jobs. It permits aid to Guatemala and Peru only if certain congressional notification requirements are met. It encourages the President to lift the arms embargo on Bosnia.

Above all, this is a lean bill, a bill without all the micromanaging of years past. This is a bill the Clinton administration will be able to live with—and work with. Policy language is where it should be, in the authorization bill.

SUPPORTING REFORM

Let me also assure my colleagues that when you vote for this bill you will be voting for foreign aid reform. This legislation requires the administration to submit a foreign aid reform package within 60 days, and commits our committee and the House to acting on the package before the next foreign aid cycle.

The administration has promised to submit a reform proposal by July 1, and we don't expect to bring a conference report back without it.

ARGUMENTS FOR THIS BILL

Let me emphasize the importance of foreign aid to U.S. national interests.

First, foreign aid directly benefits our constituents. This bill benefits Americans by advancing our economic interests and providing jobs. About three-fourths of foreign aid is spent in the United States. Billions of dollars will be spent on military equipment, agricultural products, and machinery as a consequence of this bill. This legislation also benefits Americans by helping other nations develop their economies. These recipients are already providing markets for U.S. goods.

Most of the large customers for American agriculture exports, for example, were once foreign aid recipients. This bill also includes a direct benefit for American companies through a $300 million capital projects initiative that specifically targets U.S. companies for large overseas capital construction projects.

Second, foreign aid promotes our security by building peace, stability, and democracy around the world. This bill, for example, will help create stability in hot spots like the Middle East and the former Soviet Union. Peace in the Middle East is expensive, but it costs less than war. Spending a few billion for foreign aid is significantly cheaper than spending hundreds of billions on increased defense expenditures.

Through a new conflict resolution initiative and increased funding for the African Development Fund, this legislation will help promote stability in Africa. By continuing to fund the SEED Program, it will help to continue the transition to democracy in Eastern Europe. All of these steps will mean more security, and less defense spending, for the United States.

A TOOL OF AMERICAN FOREIGN POLICY

I have tried to detail how this legislation is important to American security and how it benefits American jobs and will produce economic growth. It also is crucial for American influence in the world. In his conduct of American foreign policy, the President has several tools at his disposal. He has awesome American military power. He has professional diplomats. He has the economic clout of American markets and American exports.

Foreign aid is yet another tool in this arsenal. There are many circumstances in which the President cannot and should not send in the troops. There are instances in which diplomacy alone does not do the job. Foreign aid is sometimes the best tool to achieve our objectives.

The President has made this foreign aid request, and the President needs this bill to get the job done—to carry out an effective policy that protects and promotes U.S. interests.

CONCLUSION

As we act today, we must look to the future. The world our grandchildren will inherit tomorrow will depend heavily on what we do today to enhance global stability, prosperity, and cooperation. We will need all these tools—diplomatic, military, and economic—to do the job. A strong foreign aid program is essential to that task. I ask for your strong support for H.R. 2404 and H.R. 2333.

□ 1910

Mr. Chairman, I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to associate myself with the remarks of the distinguished chairman of our Foreign Affairs Committee, the gentleman from Indiana [Mr. HAMILTON] and express my appreciation to him for the cooperation he has extended to all members of our committee. This is truly a bipartisan bill.

It places our Nation solidly on record in support of the historic Camp David accords—by continuing full funding for both Israel and Egypt—and for assistance to Russia in its quest for economic and political reform.

This bill also strongly recognizes the need to foster sustainable economic development, and to strengthen the role of environmental and energy activities in development programs.

I am particularly pleased that this bill provides for a new focus on microenterprise activities with the establish-

ment of a microenterprise development fund.

H.R. 2404 is a 1-year transitional bill that authorizes $9.7 billion for foreign aid. This amount is $200 million below the administration's request of $9.9 billion, and is very close to that of the fiscal 1994 appropriations bill for foreign assistance as reported out by the Appropriations Committee.

But not close enough. The appropriations bill is $396 million below the amount in H.R. 2404 and, at the appropriate time, I will support an amendment that reduces the authorization level by $360 million.

Mr. Chairman, a great deal of concern has been expressed over the need to reform our foreign assistance programs.

I emphatically share that concern.

Four years ago, my good friend, the gentleman from Indiana [Mr. HAMILTON] and I conducted a special task force of the Foreign Affairs Committee that made a number of reform recommendations. Reform of foreign assistance is of paramount importance to many of us on both sides of the aisle. The administration has promised to send us a comprehensive reform proposal, which we are awaiting.

That is why the opening title in H.R. 2404 directs the administration to move expeditiously with regard to their reform proposals. It requires the President to submit to Congress within 60 days of enactment a plan to reform our foreign assistance programs and the Agency for International Development.

It also calls for an annual report to Congress that includes a country-by-country analysis of our economic assistance programs over the preceding 3 to 5 years.

At an appropriate point I intend to join my colleagues, the gentleman from Wisconsin, a senior member of our committee, Mr. ROTH, and the gentleman from Ohio, the distinguished ranking Republican of the Budget Committee, Mr. KASICH, in offering an amendment that is intended to speed up this long overdue reform process.

Our amendment requires the administration to base its reform plan on the four objectives recommended previously by the Hamilton-Gilman report: economic growth, resource sustainable development, poverty alleviation, and pluralism.

It also requires a plan that limits the number of countries AID will assist, and, finally, to help make certain that Congress will soon consider a reform plan, this amendment shuts down AID by September 30, 1994. As I stated in the committee markup, the administration is on notice that the clock is ticking for action.

Let me assure my colleagues once again: we do not expect to do business again on foreign assistance next year without meaningful reform.

Accordingly, I urge my colleagues to support H.R. 2404.

□ 1920

Mr. Chairman, I reserve the balance of my time.

Mr. DEUTSCH. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I think we have a real opportunity here as a committee, and it is in no small part due to the efforts of the gentleman from Indiana [Mr. HAMILTON], his efforts at coming up with a package that will help strengthen the American economy, give American industry and workers a more effective chance to compete overseas, and will also work to help us achieve our foreign policy goals around the globe.

His work for years, on the committee, has clearly been an integral part of what the Committee on Foreign Affairs was able to accomplish, and as the chairman of the committee, his leadership, I think, is clearly exhibited in this bill.

Mr. Chairman, I would like to commend the ranking member of the full committee for his cooperation, and the gentleman from Wisconsin [Mr. ROTH], who on my own subcommittee is the ranking Republican and has worked cooperatively with us for many years, as well as the gentleman from Nebraska [Mr. BEREUTER] and others who have worked on these products in a bipartisan manner.

Oftentimes what we do here is described as a giveaway program. The reality is that three-quarters of the dollars that are utilized in this legislation create demand for American products that then continue to keep markets open for followup sales and spare parts and services and commercial sales, once countries reach that level.

At the end of World War II, Harry Truman took $16 billion of American taxpayer money to help rebuild Europe and keep it safe from communism. Those dollars spent not only kept Europe safe and free, they created markets for American goods that gave both the United States and our European allies an opportunity to prosper.

I am often floored by those that are ready to spend billions on bullets, but when it comes time to help people to develop the kinds of opportunities that we enjoy in this country, both from democratic institutions and our free-market system, that is when they start to watch the pennies. There are not pennies, Mr. Chairman, but we have in this legislation the kinds of tools that will help American industry and American workers compete overseas.

We can have programs that will better the standard of living around the globe, as well as here at home. The failure to do so is clearly seen today in the former Yugoslavian Republics and elsewhere around the world, where Americans are torn between sitting idly by as people savage themselves, and sending American troops for what may be a prolonged and difficult and bloody battle.

Luckily, in much of the world we now have an opportunity to help ourselves and other people through nonviolent means. On this floor there was no limit to support for the dollars needed to confront the Soviet Union when it was a military threat. Now we ought to use a small portion of those dollars to make sure that democracy comes to that region so there will not be a threat in the future.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Nebraska [Mr. BEREUTER], a senior member of our Committee on Foreign Affairs.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of two very important pieces of legislation, H.R. 2333 and H.R. 2404, the State Department authorization bill and the foreign assistance bill. I think that without any exaggeration, great credit is due to our chairman and his staff and to the senior Republican, the gentleman from New York [Mr. GILMAN]. Both these distinguished gentlemen, with able help from other members of the committee, have brought some of the best legislation in foreign assistance and State Department authorization that we have seen. We have avoided extraneous, harmful amendments. We have avoided inconsistencies, I think, to a very major extent, and it is due to their leadership and the way we have proceeded this year.

Earlier tonight when we debated the rule, we heard one of the Members speak about his automatic opposition to foreign assistance. I thought that was regrettable, because frankly, these are among the most important, and if we do it well, among the most salutary actions that we can take.

If we take a look, for example, at the military expenditures of the United States and take the period between 1985 and 1997, which will take us through the projected expenditure patterns proposed by President Clinton, we will find that in real dollars the actual military expenditures of this country will have decreased by 43 percent.

None of that would have been possible, of course, without the end, we hope the end, of the cold war. If we had not seen the collapse of the Soviet Union and seen them moving toward democracy and pluralism and toward a nonaggressive or less aggressive stance, these kinds of dramatic reductions in our military expenditures would not have been possible.

Mr. Chairman, one needs to look at the foreign assistance activities that are part of this legislation. As we pro-

vide some small assistance to the former republics of the Soviet Union, we need to keep that in mind about the dramatic kind of changes that we have had in our military expenditure pattern, and with prospective changes to come, the kind of assistance that is needed at the grassroots level, technical assistance, humanitarian aid, things that are carried forth by this legislation and implemented through our State Department and other related agencies through the authorization of this legislation are crucial.

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I think there are many areas where reform is needed. Members have heard my colleague, the gentleman from New York [Mr. GILMAN], and the chairman point out that reform is demanded, required with teeth by this legislation before we proceed with the authorization and appropriation cycle for fiscal year 1995. These two gentleman have credibility because for the last two Congresses they have been working, not successfully to this point, but working very diligently laying the base for solid reform of our foreign assistance programs and for the agencies that implement them. So I believe that Members can confidently tonight vote for legislation, tonight and tomorrow, when these bills are actually fully considered which will proceed with our foreign assistance programs.

Finally, I would say, to give some perspective to my colleagues who may be listening yet tonight in their offices, we heard about the ever-expanding amount of foreign assistance from this country. That is flat out in error. The foreign assistance legislation in real dollars has gone down for the last 7 or 8 years. Today we spend only slightly over 1 percent of our total budget on foreign assistance through both the multilateral and the bilateral assistance programs. So when we take a look at those items in the Reader's Digest that talks about all of the extraordinary expenditures that we make for foreign assistance in this country, know that that is only part of the story indeed. If we take a look at the map of industrialized nations of the world, we rank either 18 or 19 out of 20 in foreign assistance that we deliver on a per capita basis.

Tonight I urge my colleagues, and tomorrow, to vote for the foreign aid and the State Department authorization bills.

During the course of the debate on the Rule for H.R. 2333, I spoke about the need for, and prospect for, reform of our foreign assistance programs. Continuing these remarks on reform I would begin by turning to the subject of security assistance, the Subcommittee on International Security, where this Member serves as ranking member, requested only modest changes in existing law. This Member concurs with the assessment of the chairman of the International Security Subcommittee, the distinguished gentleman from California [Mr. LANTOS], that H.R. 2404 is not the appropriate vehicle for such an extensive review. This Member would note, however, that when the committee does begin its long overdue rewrite of foreign aid, that the Subcommittee on International Security will thoroughly examine the security assistance and foreign military financing provisions for necessary reform actions.

With the cold war over, the U.S. security requirements have dramatically altered. The old security requirements have dramatically altered. The old security threats have dissipated, but new and ominous threats have taken their place. It is time to rethink our approach to foreign military sales, and examine whether this is the most effective use of our scarce security assistance dollars. We must be ever more vigorous in our efforts to combat the proliferation of weapons of mass destruction. We must become much more aware of, and responsive to, the international terrorist threat. The recent bombing of the World Trade Center and the murder of two employees outside CIA headquarters in Langley, VA, have made it clear that we must redouble our efforts in this important area.

We also need to build upon the International Military Education and Training Program [IMET] to make it a more effective democracy-building tool for the new democracies in South America, Africa, Europe, and the former Soviet Union. The IMET program has long been an effective means of encouraging greater respect for civilian control over the military. It is widely recognized as one of the more cost-effective security assistance programs that we have. Perhaps that is why the Department of Defense seems intent on duplicating many aspects of the IMET program. As the committee pursues its forthcoming reform of foreign assistance, the International Security Subcommittee will be looking at this duplication of effort. This Member looks forward to working with the gentleman from California on these and other issues.

Let me note, Mr. Chairman, that this Member has sought to work with the chairman of the Committee on Foreign Affairs to draft the best possible foreign assistance bill for fiscal year 1994. Chairman HAMILTON and ranking minority member GILMAN have done an extraordinary job of presenting this body with a good and relatively clean piece of legislation without the weight of extraneous and oft-times conflicting policy guidance. H.R. 2404 has an important authorization for assistance for the republics of the former Soviet Union, an area where it is in our vital national interest to remain actively engaged.

This Member hopes to be able to vote for H.R. 2404 for final passage. And this Member will certainly vote for final passage if it is not weighed down with harmful language in the amendment process.

Lastly, Mr. Chairman, this Member would simply thank the chairman of the Committee, the gentleman from Indiana [Mr. HAMILTON], as well as the ranking member, the gentleman from New York [Mr. GILMAN]. The chairman and ranking member made every effort to keep this a bipartisan process. They and other Members, in particular the chairman and ranking member of the Subcommittee on Economic Policy, Trade, and the Environment, Mr. GEJDENSON and Mr. ROTH, and their staffs have been very helpful and gracious toward this Member on issues and amendments I wished to pursue as we prepared this legislation. It is this Member's hope that the legislation has been improved as a result of those joint efforts.

Mr. Chairman, barring the adoption of a harmful cargo preference amendment, or similarly harmful or ill-advised legislation, this Member would urge support for H.R. 2333 and H.R. 2404.

Mr. DEUTSCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. I want to commend Chairman HAMILTON for his leadership in advancing our security, our interests, and our values in a dramatically changed, but still dangerous world.

I want to speak today about two issues addressed in the committee report. The first is Haiti. The election of Father Aristide was a heroic act by the Haitian people, affirming their dedication to secure liberty and democracy.

For too long, the international community tolerated the illegitimate regimes set up after a military-backed coup in September 1991. Our sanctions and our calls for a return to democracy were toothless. The Haitian military and the illegitimate regime thumbed their noses at the international community.

I want to congratulate the Clinton Administration for recently taking more rigorous actions to restore democracy in Haiti. The United States revoked visas and froze assets of key coup supporters. We are discussing comprehensive sanctions through the U.N. Security Council. This multilateral blockade would cover oil and arms, and other nations would be called upon to freeze assets of coup backers.

I want to urge President Clinton to vigorously pursue this policy through the Security Council, and assure him that there will be broad support in this Congress for the firmest possible steps to restore democracy in Haiti. Tough sanctions alone will not return President Aristide to power. An embargo must be combined with negotiations. But we have to make a start. The heroic, suffering people of Haiti deserve no less from us.

Mr. Chairman, I also want to address the situation in Armenia and Nagorno-Karabakh.

Since 1988, fighting over Nagorno-Karabakh left well over 3,000 people killed and 380,000 refugees. At the end of May, Armenia and Azerbaijan agreed in principle to a peace plan negotiated by the United States, Russia, and Turkey that would end the fighting. A cease-fire would be complemented by lifting the transport and energy blockade against Armenia, introducing international observers, and continued talks over the status of Nagorno-Karabakh.

There are reports today that Nagorno-Karabakh parliamentary authorities have agreed to the peace plan as well, clearing the way for signing by all parties.

I think it is important to mention this hopeful news today, as we debate foreign assistance for fiscal year 1994. We are discussing a significant amount of assistance to the new Independent States of the former Soviet Union.

The committee has also recommended $600 million in military and economic support fund assistance for Turkey, one of the countries that has participated in the blockade against Armenia. As we consider this legislation and the prospects for peace in the Trans-Caucasian region, I think it is important that we make very clear to the Government of Turkey—to President Demirel and the new Prime Minister Tansu Ciller—that the United States expects the blockade against Armenia to end. To make this message clear, we call upon the administration to withhold obligation of assistance for Turkey until the blockade is lifted.

I traveled to Armenia this winter. In Yerevan, I visited orphanages and hospitals. There was no heat, no electricity, no running water.

The people of Armenia have faced nearly unspeakable horrors during this century. It is time now to press for an end of the hardship and deprivation caused by the current blockade, and to make every effort to bring about an agreement to end the conflict with Azerbaijan.

Mr. DEUTSCH. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Chairman, I am here tonight to express my sincere support, and I wish I were as eloquent as the gentleman from Nebraska [Mr. BEREUTER] in outlining the reasons, the numerous reasons we should support this bill. It is very solid legislation.

We are being cut back every year in the amount that we appropriate for this. But I think it is in the interest of the United States that this bill be passed in its present form.

The bill is essentially important to the subcommittee for which I have the privilege of chairing, and that is the Subcommittee on Africa. Africa has really been taken off the diplomatic map for the last 12 years. It receives less than 10 percent of the aid that we allocate. Sweden allocates 43 percent of its aid to this continent. Germany is higher and England is higher. In fact, in dollar amount, we are third. Both France and Germany allocate more money to Africa than does the United States. Am I very happy to see that the Clinton administration has reversed this neglect.

Twenty-five out of thirty-five of the poorest countries of the world are on this continent, and yet, of 600 million people, we only allocate $800 million which comes out to about $3.37 per person. But African nations now are struggling to achieve three things: From war to peace, from authoritarianism to democracy, and from a controlled economy to a free-market society. And I think we need, at this time, more than any other time in our history to show our support for this continent. And I am very happy that we have increased in this bill the allocation from $800 to $900 million.

The African initiative does not simply spend more money in Africa. In addition, the bill contains a landmark conflict resolution initiative for Africa. This is actually designed to save money.

We know that we have made serious mistakes in the last several years. I point out Somalia. We totally walked away from there, and we are now spending over $1 billion to correct our mistake there.

In Angola, we set up a Democratic election, but we forgot to take the arms away from the people, and the election became a farce.

We have conflict resolution under the OAU in this bill, and we also have a demobilization where we go into the countries, encourage them to turn in their arms, and then have a conversion of the military to civilian life.

Therefore, I strongly support this bill. I ask my colleagues not to demagogue it. Most of the money spent in foreign assistance comes back to the United States. This is important for the peace of this continent. It is important to us.

Mr. GILMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding the time. I would just like to say to my colleagues from Indiana, the rule that is going to be passed upon tomorrow will severely limit the amendment process.

Last year we had an open rule on this bill, and we debated at length a lot of amendments. Some have said because of the pressing of the appropriations bill right behind this authorization bill that we do not have time to debate these amendments that we did last year. As a result, some very important amendments, like one I am going to be talking about tomorrow on India, will be reduced to 5 minutes on each side. And I submit we cannot debate an issue of that magnitude in 10 minutes. So I am very disappointed that the rule is going to be limited to try to speed up debate, and to go over so many things that are of great important to not only this Nation but the world in a short period of time I think is a disservice to this legislation.

I want to talk about two specific parts of the bill. First of all, we are going to give another $904 million in authorization to the Soviet Union, to Russia. So far, between 1990 and 1992 they had $91 billion pledged to them. In 1993 by the G–7 countries, another $43.4 billion, and another $3.85 billion in current proposals. That is a total of $139 billion in pledges to Russia, and we are going to put another $904 million in this year.

It seems to me instead of giving them another $904 million that we cannot possibly get through the pipeline, we ought to be buying things from them like vanadium. They have $31 billion in vanadium, $62 billion in nickel, $204 billion in manganese, $7 billion in silver, $103 billion in gold, $60 billion in platinum, so many diamonds that it is incalculable, so much natural gas, 16 trillion cubic feet, that it is incalculable, and they have $1.14 trillion in oil. They can afford to sell us these products instead of us giving American taxpayers' money to them when they really do not need it. We just need to have a good business agreement with them.

The last thing I would like to mention tonight, in my brief time here in this discussion, because it is not a debate because we do not have time for debate, but in this discussion in India there are horrible things happening to people in a place called Punjab, Kashmir, Nagaland, and elsewhere. Women are being gang-raped, children are being killed and murdered, people are being tortured beyond human belief, and the world does not even know about it, because they will not allow human rights groups in, the International Red Cross in or the media in to see what is going on. The things we see going on in Bosnia today, in the former Yugoslavia and Somalia, these things are no worse, in fact in many cases they pale in comparison to what is going on in Kashmir and Punjab, and yet the world does not even know about it.

I had an amendment on this issue last year that passed by 219 to 200. This year they are limiting the debate on that to no more than 5 minutes on each side, and we cannot possibly debate it in that length of time. As a result, that amendment will probably fail. It passed last year.

I wanted to cut off $26 million in developmental assistance to India last year until they changed their policies. This year it is $41 million, and they will not even allow this amendment to have a fair debate on the floor. I think that is unconscionable.

Women are being tortured and gang-raped. One woman was gang-raped when she was 8 months pregnant by 16 soldiers, and they kicked her in the stomach afterwards, and the baby was born 2 days later with a broken arm. Yet we cannot debate that tomorrow except for 5 minutes, and because of that it is likely to fail. They have been disemboweling people, they have been doing horrible things, taking people out of their houses in the middle of the night, taking them into an alley and shooting them, and then calling that democracy. The world's largest democracy? I think not.

I would just like to say, my colleagues, tomorrow we will have very limited debate on that issue. I hope Members will pay particular attention, because it is extremely important. If we really believe in human rights, we should pass that amendment.

Again, I thank the gentleman for yielding the time.

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Mr. DEUTSCH. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, in these very lean economic times, many people say, "Well, why should we give foreign aid? Is it not a place where we could cut the budget and somehow balance the budget on the backs of foreign aid?" And the myth continues and continues and continues.

The fact is that with the collapse of the Soviet Union, foreign aid is more important than ever before. The United States, as the last remaining superpower, has a stake in what goes on in the rest of the world. The United States certainly wants to be in a position to try to influence events around the world, and we want to try to make sure that democracy takes root in the countries that formerly were dominated by communism or dictatorships or both.

Much has been said here today about the myth of foreign aid. Foreign aid is barely 1 percent of our total budget, and if we eliminate funding for the State Department, it is really barely about one-half of 1 percent.

The foreign ops appropriation bill this year is 17 percent lower than the bill last year, and about 75 percent of all foreign aid spending is spent right back in the United States, and in the case of Israel it is 83 percent, creating American jobs and stimulating our American economy.

In 1988 the United States came in 18th of 23 Organization of Economic Cooperation and Development countries in percentage of aid per dollar of GNP. The only countries lower were Greece, Iceland, Ireland, Portugal, and Spain. Last year the only country lower was Ireland, and they are about to increase, and pretty soon we will be at the bottom of the pack.

This is a time in the world where the United States needs to get involved more than ever before. For years we spent billions and billions and billions of dollars in an arms race with the Soviet Union for arms and weapons. If we take just a small portion of that money and use it for foreign aid to build democracy, it will save the United States vast amounts of money in the future.

So I look upon foreign aid as an investment in our country and something that is very, very good for the United States.

I urge my colleagues to support the bill.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. KING].

Mr. KING. Mr. Chairman, I rise in support of H.R. 2333, the fiscal year 1994–95 Foreign Aid Authorization Act.

While some—in their search for simple solutions to difficult problems—are seeking reductions in foreign aid in the aftermath of the cold war, I believe it is time to strengthen it and reaffirm our leadership role in the world. We must act boldly and decisively to consolidate our hard-won victory in the decades-long struggle against Soviet despotism. This bill is clearly not perfect and I do not support every provision—particularly aid to Nicaragua. However, it is vital that we pass H.R. 2333 and take an important step forward, toward a more secure world.

I am very pleased that this measure will maintain the strongest possible level of commitment to our closest ally and sole democracy in the Middle East, the State of Israel. It specifically earmarks $3 billion in security assistance to Israel—$1.8 billion in foreign military finance grants and $1.2 billion in economic support funds. Similarly, it is essential that we continue to provide aid to the Government of Egypt.

The measure represents a critically important vote of confidence for the ongoing Middle East peace process. Like my constituents, I believe that the countries of the Middle East have the opportunity for a historic breakthrough. I strongly support the provisions of the bill aimed at assisting the peace process by striking a blow against the outrageous Arab boycott of Israel. H.R. 2333 specifically provides the President with the authority to prohibit the sale of military equipment to any country participating in the Arab boycott of Israel.

This legislation also seeks to put an end to genocide and mass rape in Bosnia by ending the arms embargo on the besieged Bosnians. In April, I travelled to this war-torn region and witnessed the death and destruction firsthand. I confronted Serbian leaders who have allowed or encouraged atrocities and told them of the America's outrage and disgust.

This legislation is a necessary response to Serbian aggression and war crimes, and if fully implemented, can make the words "Never again" a reality. I urge the President to follow through on these provisions and allow the Bosnians to defend themselves.

I must also express my support for the aid package for Russia and the former Soviet Republics. This aid is as important today as the Marshall Plan was more than four decades ago and is vital to support the democratic changes which were secured after so much sacrifice. President Boris Yeltsin, Russia's first democratically elected leader, has consistently stood up to the former Communists and ultra-nationalists who seek to plunge Russia back into darkness. He and other democratic leaders need and deserve our help.

After 45 years of sacrifice and fear, America won the cold war. Now, we must step forward to ensure that the world never returns to the days of a balance of nuclear terror. That is why this aid package is in our national interest.

Mr. Chairman, I welcome this opportunity to set the record straight on foreign aid and urge my colleagues to join me in supporting these important programs at this critical time. The fact is that foreign assistance represents 0.9 percent of our national budget and 0.27 percent of our GNP. Moreover, about 73 percent, 83 percent in the case of Israel, of our foreign aid dollars are spent right here.

I urge my colleagues to put simple sound bites aside and support America's role as the world's only superpower. I congratulate the Foreign Affairs Committee, particularly Chairman LEE HAMILTON and Vice Chairman BEN GILMAN for their outstanding efforts and leadership. I look forward to continuing to work with them to advance the cause of peace and democracy around the world.

Mr. DEUTSCH. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HASTINGS], for his maiden speech on the floor of the House of Representatives.

Mr. HASTINGS. Mr. Chairman, I thank the gentleman for allocating to me the time to share with this body my support for the International Relations Act of 1993. I must express to you my shock, upon speaking with some of my colleagues, in learning that they have difficulty supporting this legislation because they fear explaining to their constituents why they sent American dollars overseas.

But let me tell you that I am more fearful of explaining to my constituents why I did not support foreign aid. What will our constituents think when they see the international leadership of the United States falter and slowly fade, like the sick man of the Western Hemisphere? How will they feel when they can no longer export their products to countries with whom they have been doing business for decades because those same purchasers are importing goods from those countries with whom they have new improved relations? Will they feel secure if totalitarian regimes rise up to threaten the West, but America is isolated because we have no allies left?

Don't tell me that our constituents oppose foreign aid. Our constituents have already proven their commitment to international humanitarian causes by voluntarily donating more than $2 billion per year to charities. Americans are the first to organize international relief efforts, collect food and clothing for victims of earthquakes, hurricanes, cyclones, and famines, hold concerts to raise money for various causes, and leave their jobs to go volunteer in hospitals, schools, and industries overseas.

How many letters have each of us received from constituents expressing

their outrage over the ongoing atrocity in the Balkans and demanding to know why the United States has not stopped it? How many phone calls have we gotten urging us to end famine in Africa and Asia and support newly independent democratic states?

I am not hearing that our constituents don't support foreign aid. I am hearing that our constituents don't understand foreign aid and that some of us don't have the moral strength to educate them. Please explain this simple fact: Foreign aid is 1 percent of the budget of the United States; 90 percent of the military aid that we provide is spent purchasing military equipment from the United States. And who builds that equipment? American defense contractors. If we didn't give these other nations the money with which to buy the equipment? They would buy it from another country and that country's defense contractors would be expanding its employment rolls.

So please, don't confuse the mandate of the voters with our own ineptitude. The voters said they want change, but we are here to promote their best interests and the best interests of the United States. Change for change sake is not progressive: It is short-sighted and dangerous. Do not abdicate the authority that the voters have vested in you for fear that there will be a backlash. Do not make decisions that will affect the long-term security and humanitarian interests of the United States because the voters are in a momentary mood to save a nickel here and a dime there. The money we save at the expense of foreign aid will only rob us of our future. International assistance can help stabilize the world.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, my colleagues, the day after Easter, on many of our desks arrived independently and ironically two different books. One the world must know, "A History of the Holocaust," outlining the lesson that we must never again allow atrocities of that kind to occur in this world.

The other book was entitled "God Be With You: The War in Croatia and Bosnia-Herzegovina." It was about the forgotten lesson, the lessons we have already forgotten about atrocities occurring in this world.

My friends, we understand these lessons, those of us who have traveled to the Balkans, the gentlewoman from New York [Ms. MOLINARI], the gentleman from New York [Mr. ENGEL], the gentleman from New York [Mr. KING], and I, who saw firsthand the result of Serbian aggression in places like Slovenia and Croatia, the genocide that is occurring now in Bosnia and Herzegovina, and unfortunately we also saw the violent future that lies ahead unless action is taken now in places like Kosovo and the former Yugoslav Republic of Macedonia.

In Kosovo particularly these lessons came home to us. There are 2 million Albanian Moslems with the Serbian guns to their head. Ninety percent of the people of that region are being subjugated by the violent few. That future is violent. The slaughter will occur unless action is taken now, the genocide, the horror, the rape, the murder that we have seen in Bosnia and Herzegovina which will occur in Kosovo and possibly in Macedonia unless we act now.

That is why it is so important that we support the end to the arms embargo for Bosnia. It is vitally important that we support the actions by the gentlewoman from New York [Ms. MOLINARI] to allow the United States to request U.N. peacekeepers for Kosovo and also increased CSCE presence in Kosovo.

My friends, in conclusion, if the lessons of the Holocaust in this book and in that Holocaust Museum at the foot of Capitol Hill are to mean more than just words, if "Never again" is more than just a phrase, now is the time to act. It is vitally important for ourselves and for the world that we do so and that this country stand up today.

Mr. DEUTSCH. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I rise in strong support of the legislation before us. I believe that it is in our best interest as a nation that the transition from yesterday's centrally planned economies in the Soviet Union to tomorrow's market-driven economies in the Republics is both orderly and successful.

I want to thank both chairmen for including in this bill the features of the International Statistical Information and Analysis Act.

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These provisions will assist the newly independent Republics with the collection, analysis, and dissemination of reliable market-related economic data. The Republics possess the vestiges of the vast statistical system from the Soviet era. Unfortunately, the standards used to manage command economies are altogether different from those commonly used to measure economic and business activity in Western-style industrial nations.

By offering the expertise of American statistical agencies, we can help the Republics adapt to unfamiliar economic concepts and develop the instruments to gather market-related data.

By sharing that kind of data, it will help us measure the successes and failures of current assistance programs, let us target our aid in a more informed manner, and it will make our assistance less experimental and less costly.

Currently, we are just groping in the dark.

The lack of reliable data prevents us from moving beyond broad concepts and good intentions. What we need is a way to measure and evaluate the changes our assistance brings at the micro level.

Perhaps the most important benefit of this kind of data will allow American investors to channel their resources to productive and rewarding investments.

Reliable measurements are fundamental to any society. In our country we value our own economic indicators, we know that, without accurate information, costly mistakes are inevitable. Surely we can appreciate the importance the Republics place on having their own measurements of economic progress and providing assistance toward that end.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

My colleagues, tomorrow when we vote on H.R. 2404, please bear in mind we will not only be voting for foreign assistance but we will also be casting an important domestic vote. It is an important vote for our agricultural community, for our farmers who have found extensive foreign markets for our Nation's agricultural commodities. It is also an important vote for our colleges and universities who train future leaders throughout the world right here in our own Nation. Every dollar we authorize will have a significant impact right here at home.

More than half will be spent on United States goods and services. It is also an important domestic vote because it enhances our Nation's security. And what we spend to maintain peace in the Middle East is a fraction of the cost it will take to maintain a military presence in that region.

We learned that lesson during Desert Shield and Desert Storm. The funds we are committing to Russia pale in comparison to our defense budgets during the cold war ear.

Accordingly, I urge my colleagues to join us in casting a strong domestic vote tomorrow for foreign aid.

Mr. Chairman, I reserve the balance of my time.

Mr. DEUTSCH. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, this bill is an investment in America's future. Just think for a moment, 5 years ago if someone had come to this Congress or this country and said, "If you were able to invest $20 billion and the Soviet Union would disintegrate, would start the process toward a free enterprise system, toward freely elected governments," I do not think there is a person in this chamber, I do not think there is an American, who would not have mortgaged our homes to take

that offer up. We did not have to invest it, and it happened.

In this legislation we are asking to make a much, much smaller investment in terms of the former Soviet States. And that investment, I think, will yield benefits beyond our wildest imagination because what has happened in the former Soviet Union, in Eastern Europe, is the defining issue of our lifetime, maybe even this century.

There are other issues in this package which really can be considered directed investments in America's future, in terms of the issues related to the Middle East, as the ranking member of the Committee on Foreign Affairs just mentioned. If we were not investing in terms of peace in the Middle East right now, unfortunately more than likely we probably would see American ground troops in that region of the world, and what we would see in terms of American ground troops and the costs associated with them would be orders of magnitude greater than what is in this bill, $20 billion, maybe even $40 billion.

This is legislation which truly is good for America and America's future, and I urge its adoption.

Mr. BERMAN. Mr. Chairman, I rise today in support of H.R. 2404, the foreign aid authorization bill. I do so because I strongly believe that this bill serves our vital national security interests. In the post-cold-war era, our aid is used to promote democracy and political stability, to support our friends in regions of tension, and to advance our own economic interests. In short, foreign aid is not—and should not be portrayed as—an act of charity on our part or a gift to foreigners; it is part and parcel of our national security policy.

Let me start with the former Soviet Union. I believe that the crisis of stability there is the crucial foreign policy issue of our time—and perhaps the most important since the end of World War II. Over the past dozen years, the United States spent over $3 trillion, largely to defend ourselves against the Soviet threat. Having won the cold war at the cost of such great national treasure, we now have the opportunity to spend a tiny fraction of that amount to help ensure that democracy and free market reform succeed in the former Soviet Union.

How important is that? The success of democracy and free markets there would allow us to shift resources to meet the needs of the American people. It would mean new markets for American industry, and real progress in nuclear arms control. If, however, these new Republics descend into anarchy or are taken over by hardliners, these prospects would disappear. Instead of drastically reducing current nuclear arsenals, we could be facing the resumption of a nuclear arms race and the emergence of new nuclear weapon states. New markets would be lost to American industry, and the global march toward democracy would be halted, indeed reversed.

So, is providing aid to these newly independent States a gift? I would argue that as much as any other money spent in our national defense, its provision would be an act supremely in our national interest. We can spend relatively modest amounts now, or we can look forward to the possibility of spending billions and billions on defense for years and years to come.

Let me now turn to support for our friends in regions of tension. Our assistance to the Camp David peacemakers has been a significant contributor to the maintenance of peace between them and to the emerging possibilities of a broader peace in the Middle East. The region remains one of vital strategic importance to the United States. Expanding the network of peace there is the best safeguard we have in preventing those in the region who would upset its fragile stability and fundamentally challenge our interests. Were that to happen, the expense it would entail for the United States would make our current assistance seem very small.

And, Mr. Chairman, I want to assert strongly that this bill makes great economic sense for the United States. First, the great majority of aid we provide is spent here, in America, providing jobs today for Americans. Second, our aid, more than ever, is tailored to expand markets for Americans abroad; $655 million of the aid to be provided to Russia, for example, is devoted to private sector development there which will result in increased United States industrial, commercial, and agricultural exports. It directly links United States agribusiness with its Russian counterparts and employs United States professional and technical advisors.

More generally, I would point out that more than half of America's agricultural exports now go to the developing world. And, although it is probably not widely known, 21 of the 50 largest buyers of American agricultural goods were former recipients of U.S. food aid. Our assistance is designed to promote private markets and expanding economic growth in the developing world, opening up new U.S. investment opportunities. As demand in these markets increase, U.S. trade will increase.

Mr. Chairman, I will not dwell on the many other accomplishments of our foreign assistance—in the eradication of smallpox, in immunizing the world's children, in assisting in family planning, in helping to prevent starvation during Africa's great drought, or, now, in preserving millions of acres of tropical forest. These are all important and help to define the American character.

That said, I repeat what is essential for us to understand: The foreign assistance provided for in this bill is as much in our national security as are the much greater amounts we spend formally on defense. It provides vital assistance for the promotion of democracy and free markets in the merging States of the former Soviet bloc, it supports our important allies, and it provides jobs—both today and in the future—for Americans.

Mr. BORSKI. Mr. Chairman, I rise today in support of H.R. 2404, the Foreign Assistance Authorization Act of 1993. Today's expeditious consideration of this bill was made possible by the hard work, commitment, and leadership of Chairman HAMILTON.

H.R. 2404 streamlines our limited resources to promote security and prosperity worldwide. It authorizes $9.7 billion for foreign aid—$227 million less than the President requested and $240 million less than appropriated for 1993.

Despite these reductions, H.R. 2404 maintains current levels of assistance to promote and secure peace in the Mideast. It contains a number of key policy provisions, including new initiatives on the Arab boycott, on antiterrorism, and on arms sales.

For Israel, this legislation earmarks $3 billion in economic and military assistance. This aid is the single most tangible symbol of America's commitment to Israel, providing that country with the military and political support it needs to take the risks for peace. At this critical juncture in the Mideast peace process, any reduction in aid to Israel would seriously undermine Israel's position at the negotiating table.

H.R. 2404 also recognizes that one of our most important foreign policy challenges is the success of political and economic reform in Russia and the other former Soviet Republics. To assist these reforms, it authorizes $900 million—a fraction of what we would need to spend if these reforms fail and our national security is again threatened.

It needs to be emphasized that H.R. 2404 authorizes this amount for Russia while still providing an overall level of foreign assistance well below the 1993 appropriation. This was achieved through significant and difficult cuts in other foreign aid programs.

Furthermore, H.R. 2404 recognizes the need to reform our foreign aid programs to effectively meet the challenges of the post-cold-war world. The bill requires the Clinton administration to submit a foreign aid reform package within 60 days after passage.

Mr. Chairman, foreign aid is always a difficult vote. But we need to keep in mind that foreign aid is only 0.9 percent of the overall U.S. budget. It is a cost-effective way to strengthen our allies and secure our strategic national interests, without having to commit troops to volatile regions of the world. It also promotes democracy and opens foreign markets to U.S. exports.

Furthermore, 73 percent of all foreign aid dollars are spent in the United States—creating jobs, supporting U.S. businesses, and boosting the U.S. economy. In fact, over $347 million in foreign aid is spent every year in my home State of Pennsylvania.

Mr. Chairman, H.R. 2404 will help to ensure that the United States meets the new challenges that it will encounter in the post-cold-war era. It will also reaffirm our Nation's longstanding commitment to democracy and economic freedom worldwide. For these reasons, I ask my colleagues to support the final passage of this legislation.

Mr. GILMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired for general debate.

Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. SAWYER] having assumed the chair, Mr. MCDERMOTT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2404) to authorize appropriations for foreign assistance programs, and for other purposes, had come to no resolution thereon.

INTERNATIONAL RELATIONS ACT OF 1993

The SPEAKER pro tempore. Pursuant to House Resolution 196 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 2333.

The Chair designates the gentleman from Maryland [Mr. MFUME] as Chairman of the Committee of the Whole and requests the gentleman from Washington, Mr. MCDERMOTT, to assume the chair temporarily.

□ 1956

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2333) to authorize appropriations for the Department of State, the U.S. Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes, with Mr. MCDERMOTT (Chairman pro tempore) in the chair.

The clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. BERMAN] will be recognized for 30 minutes, and the gentlewoman from Maine [Ms. SNOWE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2333, the State Department and Related Agencies Authorization Act for Fiscal Years 1994 and 1995. The bill before us today represents the culmination of several months of hard work among majority and minority Members and staff. This bill represents, I believe, what is largely a bipartisan product. With this in mind, before proceeding to outline some of the major provisions of the bill, I would like to express my appreciation to Ms. SNOWE, the distinguished ranking member of the Subcommittee on International Operations, for her cooperation and support.

This bill provides basic authorization for fiscal years 1994 and 1995 for the operating expenses of the Department of State, the U.S. Information Agency, the Arms Control and Disarmament Agency, and the Agency for International Development. The bill provides no authorization for bilateral foreign assistance programs. These will be the subject of the Foreign Assistance Authorization Act, which is being considered separately. The bill before us is, as we sometimes call it, the bureaucracy bill. The policy bill precedes it.

The bill before us, in budget terms, adheres in its authorization levels to the limitations and assumptions of the fiscal year 1994 congressional budget resolution. This means that the committee-reported bill offsets every add on above the levels assumed by the budget resolution with a corresponding cut. This is simply a reflection of the reality that the days are long gone when we could add things to authorization requests without showing the Appropriations Committee how we intend to pay for them.

The funding provisions of the bill itself are austere, to say the least. The administration's budget request constitutes a hard freeze to all operating accounts. The committee-reported bill makes further cuts to the two principal State Department operating accounts, and personnel reductions in bureaucracy, so as to preserve essential programs. The bill would constrain the Foreign Service bureaucracy in the one area in which abuses have become egregious: Personnel.

The Senior Foreign Service has now grown to historic highs, out of all proportion to genuine need. It now constitutes nearly 10 percent of the Foreign Service work force, compared to the less than 1 percent the SES constitutes of the Civil Service work force. By the Department's own account, 75 FSO's were promoted into the senior ranks last year with no jobs to send them to; 912 people at State currently consume nearly $200 million in pay and benefits, or nearly 20 percent of the salary account. The Department is closing posts, but promoting unneeded seniors. AID and USIA have similar problems. State's Washington bureaucracy has exploded in the last decade. The bill seeks to halt and reverse this process. It includes statutory personnel ceilings similar to those enacted in annual Defense authorization acts.

The centerpiece of the bill, in my opinion, is its provision for organizational flexibility. For the State Department, the bill as drafted provides a degree of organizational and managerial flexibility virtually unmatched amount the cabinet agencies. It authorizes all subcabinet appointments the Department has requested, and allows the Secretary to shuffle and reshuffle positions, bureaus and offices in any way he sees fit. With rare expectations, the bill would repeal all statutory micromanagerial provisions which preserve existing positions and organizations at State. It evidences our willingness, in a time of extreme fiscal constraint, to allow the executive branch to organize itself in the most efficient way possible, subject to notification.

Concerning section 132(1) dealing with the reorganization of the Bureau on Communications and Information Policy [CIP], I understand that there is still a discussion within the executive branch about maintaining the status quo between agencies that deal with international communications issues. It is not the intent of the committee to change the interagency status quo, but merely to vest responsibilities and authorities that currently are vested in CIP and exercised by the Department of State, into the Office of the Secretary of State. if, however, the executive branch after further review feels that the language in the bill is inadequate, I believe the committee will certainly be willing to undertake to revise the legislation during the remainder of the legislative process.

This bill authorizes appropriations for U.S. contributions to international organizations and peacekeeping. Among the organizations it would provide for is the U.N. Population Fund [UNFPA]. This is a controversial subject, and this would be the first time in many years that we would contribute to UNFPA. Because of our concern about the appalling record of the Chinese Government in population activities, our desire to send a message that UNFPA ought not to lend its imprimatur to that program, and our concern that UNFPA cannot realistically play a constructive role in China, our bill would authorize the full amount requested for UNFPA but would without the entire amount that UNFPA spends in China until it withdraws from there entirely. Our bill would also prohibit spending any of our money in China, and would require separate accounts. I believe that this is a way for us to send a strong message to UNFPA that we do not want it involved in China, indeed penalizing it for continuing there by withholding a quarter of our contribution, while allowing us to support the essential voluntary population activities which UNFPA performs in every other country. Voluntary family planning is the hallmark of the organization, and it serves to enhance the freedom and productivity of women around the world, as well as reducing the prospects of underdevelopment and instability posed by rapid population growth.

Among major policy issues, the bill's title III provides for the revitalization of the Arms Control and Disarmament Agency, based on legislation introduced by Congressman LANTOS and myself. I want to commend Congressman LANTOS for his work on this provision.

Over the last several months, the administration has been reviewing various options concerning ACDA's future. I was delighted when Secretary Christopher recently informed me that he had decided to keep ACDA as an independent agency and to revitalize it. ACDA has played a vital role in pursuit of important national objectives in arms control and disarmament. With the end of the cold war, ACDA's mission is no less important.

Title III of this bill is the product of an agreement among the administration, Congressman LANTOS and myself

about the kinds of institutional changes necessary to revitalize ACDA. I want to make absolutely clear that nothing should or will be done that in any way undercuts the primacy of the Secretary of State.

Let me briefly summarize what this provision contains. It first makes clear that the Director of ACDA has primary responsibility for U.S. participation in all international negotiations and implementation forums in the fields of arms control and disarmament. It is my belief that the conduct of arms control negotiations makes the most sense in the hands of the Agency with the greatest expertise in the field—ACDA. The bill provides for the appointment of special representatives within ACDA to a conduct current and future arms control negotiations, such as a comprehensive nuclear test ban treaty, and to advance vital arms control objectives such as the indefinite extension of the NPT.

The bill also makes clear that nonproliferation is a vital subset of arms control. I fully expect that ACDA's role will be central in the development of our nonproliferation policy and activities, both on the supply side through export controls and on the demand side by promoting policies which deal with the political motivations underlying those who seek weapons of mass destruction.

Let me also point out that due to time constraints, agreed upon language reaffirming ACDA's responsibility to coordinate the U.S. Government's research and development relating to arms control and nonproliferation, as well as consolidation of the number of reports for which ACDA is responsible, are not included. I intend to correct this inadvertent ommission in conference.

Included in the bill is my legislation—the International Broadcasting Act of 1993—which I introduced in March with the intent of providing a broad and flexible outline for our broadcast services as we work to restructure their mission and organization.

Today, the President announced a plan for restructuring our international broadcast services that can be endorsed by the broad range of those with an interest in the future of broadcasting. The fact that the plan was drafted by both U.S. Information Agency Director Duffey and Board for International Broadcasting Chairman Dan Mica sends a strong signal that a reorganization to address the political and technological challenges of the post-cold war era need not undermine the individual and unique missions of our various broadcast services.

I know that some Members, including my friend, Mr. PORTER of Illinois, are concerned at certain aspects of the President's plan and wish, as I do, to have appropriate time to examine the details of this bold and far-reaching initiative. In the next few weeks, I intend to hold hearings to allow Members the opportunity to assess and analyze the plan with a view to crafting a legislative substitute for the current provisions contained in the International Broadcasting Act of 1993.

A less visible, but no less important part of this bill is the authorizations it provides for the educational and cultural exchange activities of the United States including the very well-regarded Fulbright programs. These have yielded inestimable benefit to our national interests in terms of the good will and understanding of the United States that they have generated, as well as allowing our own people to acquire the sophisticated understanding of the rest of the world which the people of a democracy and a great power must have. Our exchange programs provide among the best value for money of our foreign affairs funding.

Because this interchange between the peoples of the United States and of other countries is so important, and because there are real limits on the amount of Government funding that can be found for such activities, I consider all the more important the private efforts of Americans to communicate with the peoples of other nations, whether traveling individually, working through educational institutions or through churches, sharing music and other art forms, or trading in publications or sharing information electronically.

Because of my strong belief that such private initiative is an important enhancement of Government funded efforts, and because I believe that Americans have a constitutional right to engage in such activity, the bill had included provisions to clarify current law which permits trade in nonsensitive information, and would have established the freedom to travel and to engage in certain other educational, cultural, scientific, and religious exchanges, regardless of whether we approve of the government of a country or not. It is my firm belief that our disapproval of a particular government is all the more reason to communicate directly and privately with its citizens. I consider it particularly important that Americans should be free to travel, except in times of war or other danger.

I offered an amendment at committee to delete such provisions in response to a request of the Secretary of State which "endorse(d) the underlying objectives of the Free Trade in Ideas Act"; "affirm(ed) the administration's commitment to the dissemination of information and ideas as a significant element in the promotion of democracy, a central tenet of our foreign policy"; and noted that "the free flow of ideas and information is also consistent with the maintenance and enforcement of economic embargoes" and "can advance rather than hinder the foreign policy goals which embargoes seek to accomplish." The Secretary of State has proposed an expeditious interagency review, in consultation with us, to identify the regulatory and statutory changes which would serve our shared values. I welcome this commitment, and look forward to the administration and the committee taking up legislation as soon as feasible.

A number of issues which have surfaced since committee markup have been resolved by staff in the intervening weeks. These will be the object of an en bloc amendment, agreed to with the minority, which I will offer at the appropriate time.

□ 2000

In closing, Mr. Chairman, let me simply point out that we expect that the rule that will be adopted subsequent to this time will make in order certain amendments. Included in those amendments will be a joint amendment sponsored by the gentlewoman from Maine [Ms. SNOWE] and myself and the gentleman from Minnesota [Mr. PENNY], which will make significant additional cuts in this already dramatically pared down bill.

□ 2010

The consequence of those cuts will be that this legislation, if that amendment is adopted, will be below the appropriated, not the authorized, but the appropriated, level of last year, fiscal year 1993, this in spite of the fact that a number of areas, like refugees and the promotion of democracy.

There are significant increases in this bill. I think this bill represents a very good example in the manifestation of fiscal prudence and addressing the problems of bureaucracy, of seeking to, in fact, reinvent government, and with that, Mr. Chairman, I reserve the balance of my time.

Ms. SNOWE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset, I would like to thank Chairman BERMAN and his staff for his diligent efforts to work closely with me and other Republicans throughout the State Department authorization process. Chairman BERMAN and I serve together on the International Operations Subcommittee, where I am the ranking Republican. This is the subcommittee that drafts the State Department authorization bill which, under the rule we are now considering as a separate piece of legislation.

Our subcommittee has a long bipartisan tradition, and this bill is no exception. This tradition goes back through the 8 years I have served as ranking member, and beyond when Congressman GILMAN, served in that role. I would also like to acknowledge the positive contributions of all of the members of the subcommittee, who

provided valuable in drafting this bill. And finally, I would like to thank Congressman GILMAN, the ranking Republican of the full committee for his assistance, together with the assistance of Chairman HAMILTON.

Over the past 8 years, the Subcommittee on International Operations has always succeeded in passing this biennial authorization bill. Let me emphasize that the State Department authorization bill is not the foreign aid bill. The fiscal year 1994–95 State Department bill authorizes the budgets and operations of the foreign affairs agencies, as well as U.S. contributions to international organizations.

While all of the State Department bills I have worked on have been bipartisan and fiscally responsible, this is the most fiscally austere bill by far that we have ever brought to the floor. The original administration request was already virtually a hard freeze at the fiscal 1993 appropriated level. Increases were only permitted for selected areas such as population assistance, refugee programs, and inflation for assessed contributions for international organizations and international peacekeeping operations. In the subcommittee draft bill, we took additional cuts of $111 million.

However, with an overall funding level of $7.3 billion, the bill does remain $77 million above the fiscal year 1993 appropriated level. Given the current fiscal environment and probable appropriation levels, I am pleased that Chairman BERMAN and I will be offering additional cuts tomorrow during the amendment process to bring the bill's funding down to the fiscal year 1993 appropriated level, or lower.

MEMBER INITIATIVES

This bill retains the core of the administration's request, providing the executive branch the organizational flexibility it will need to implement the funding reductions contained in this bill without harming U.S. foreign policy interests. At the same time, the bill contains a range of Republican and Democratic legislative initiatives to improve management practices and accountability in all of the foreign affairs agencies.

For instance, this bill will require a minimum of a 15-percent cut in the bloated ranks of the senior Foreign Service. If normal attrition rates occur over the next 2 years, a 15-percent reduction in the senior Foreign Service can be made without firings. There are currently 912 members of the senior Foreign Service at the State Department out of a total officer corps of about 4,500. This means that officers with the rank equivalent of a general comprise over 20 percent of the Foreign Service. Put another way, the State Department has less than 1 percent of the Federal work force, but has more than 10 percent of all senior-grade positions in the U.S. Government.

This reduction in the senior Foreign Service will be increased in the future pending the result of a GAO study of all senior positions at State Department, which we also require in this bill. If that study discovers a significant number of overgraded State Department positions, the next bill will have a firm number for further substantial reductions in the senior Foreign Service.

In addition to legislative limits on the number of Undersecretaries and Assistant Secretaries, this bill also includes, for the first time, limits on the number of midlevel Deputy Assistant Secretaries. At the beginning of the year, the State Department had an historically high 93 Deputy Assistant Secretaries. This bill would force the Department to follow through on its own plan to reduce that number to no more than 66. This will not only give State Department management the tools to force personnel reductions, it will also protect against the kind of bureaucratic bracket creep we have seen over the past decade and more.

For the agencies that are new to this bill—ACDA and AID—this bill extends to them the kind of reprogramming control and authorization requirement that have long been in force for the State Department and USIA.

SNOWE INITIATIVES

Let me highlight several initiatives I have included in the bill. First, I have included the text of two bills I have introduced, with Chairman BERMAN as cosponsor, on women's human rights issues. The first directs the State Department to give greater prominence to women's human rights issues within the human rights bureau. Until recently, the human rights community has failed to recognize the extent to which human rights abuses are targeted at women worldwide. Too often, such abuses have been excused as social or cultural matters not relevant to the conduct of relations among states. This provision specifically calls for the appointment of a women's human rights advocate within the bureau to carry out the purposes of the bill.

The second bill establishes comprehensive standards for increasing attention to the needs of women and children refugees, who together make up 80 percent of the world's refugee population. Frequently, women and children refugees are double victims. First, they are the most vulnerable to repression or civil unrest in their own country. Then, upon fleeing their own country they may find themselves once again victims of abuse while in exile. This provision would call for the State Department to put all its efforts behind the full implementation of the 1991 UNHCR's Guidelines on the Protection of Refugee Women.

I have also included another major legislative initiative in this legislation. The subcommittee draft bill includes most of the text of the Terrorist Interdiction Act of 1993, which I introduced together with Mr. GILMAN and Mr. MCCOLLUM. This bill addresses weaknesses in the State Department's consular operations and lookout system that become so apparent in the case of the radical Egyptian Sheikh Abdel Rahman. The provision requires modernization of State's antiquated microfiche lookout system within 6 months of enactment. It also calls for personal accountability for human failures to keep out dangerous individuals such as Abdel Rahman.

The one portion of the bill that was not included would have made known members of terrorist groups automatically excludable from entry into the United States. This critical portion of the bill falls under the jurisdiction of the Judiciary Committee, where BILL MCCOLLUM will be working for action later this session. I would like to emphasize the importance of this key provision because of an unfortunate change in law that took place in 1990. At that time, the law was changed to allow exclusion from the United States only individuals the Government could prove were personally involved in past terrorist acts or who were thought to be planning a terrorist act in the United States.

As the Sheikh Rahman case shows, this is an unreasonably high standard. During State Department briefings on what went wrong with the admission of Sheikh Abdel Rahman, a State Department official acknowledged that even if the lookout system had worked properly, they still might not have had firm legal authority to prevent his entry to the United States. This is because Sheikh Rahman was merely a known associate of terrorists, and while he preached violence, he was not known to have been personally involved in specific terrorist acts.

Finally, the bill contains policy language I drafted calling upon the President to take quick action on the disturbing findings of March 1 report of Dick Thornburg, the former U.N. Under Secretary General for Administration and Management. During his year tenure at the United Nations, Secretary Thornburg found the organization almost totally lacking in effective means to deal with fraud, waste, and abuse.

One of his major recommendations was the creation of a strong and independent U.N. inspector general. As someone who was involved in creating a similar post at the State Department, I know how important such a position can be. This problem is particularly disturbing given the hundreds of millions that we are currently infusing into the U.N. system to pay off past arrearages, as well as our status as the single largest donor of U.N. funding.

CONCLUSION

I would like to thank Congressman SOLOMON and other members of the

Rules Committee for agreeing to my strong request that the rule decouple the State Department and foreign aid authorizations. These two bills have always before been separate, and deserve separate consideration, which they will now receive. I only wish this decision had been made earlier, which would have allowed us to bring the State Department bill to the floor on a fully open rule. But at least on the State Department portion of the bill, no Members have been denied their right to offer amendments that were submitted by yesterday's noon deadline.

Again, I would like to congratulate Chairman BERMAN for his cooperative work on this bill. Obviously, we cannot agree on all issues in this complex legislation, and Members will certainly have differences of opinion on specific provisions or amendments. But taken as a whole, I believe this legislation deserves broad bipartisan support even given our serious fiscal constraints.

Mr. Chairman, I urge support for the bill.

□ 2020

Mr. BERMAN. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Ohio [Mr. SAWYER], a member of the Committee on Foreign Affairs.

Mr. SAWYER. Mr. Chairman, I wish to thank the chairman of the subcommittee and rise in strong support of the legislation before us. Through the efforts of Chairman BERMAN and Chairman HAMILTON and their staffs, the report contains language on the plight of some 3 million refugees in former Yugoslavia.

The provisions of this language have a couple of facets. First, it provides for a documentation mechanism for refugees and a further accounting mechanism for threatened populations.

These are the kinds of steps that are needed if our resolutions on right of return and the prosecution of war crimes are to have any practical meaning in a disorderly world.

The message this provision sends is straightforward. We and the community of nations care about these people, and together we are keeping track of them. It sends a warning to aggressors and would-be aggressors that they will be held accountable for their actions and that we will gather the necessary information to hold them accountable.

Joseph Stalin is once said to have remarked that a single death is a tragedy, but 1 million deaths is a statistic. We need to send a message to the dispossessed and the threatened that they will not become a statistic in this horrible accounting of human disaster.

Refugee situations, if they are allowed to fester, not only remain as burdens on our collective conscience for decades and centuries. They also pose threats to human well-being, to political stability, and to a fundamental sense of peace, not only in former Yugoslavia, but, as we have heard earlier, in Afghanistan, in Kashmir, and, most recently, in Liberia.

This provision lays the groundwork for the restitution of refugees. By keeping an eye out for population movements and displacements, it can also serve as a key element in an early warning mechanism that the world urgently needs.

I would urge my colleagues not only to support the legislation before us, but to join in formulating other new initiatives to improve international responses to the many new unfamiliar challenges that we face in the post-cold war era.

Ms. SNOWE. Mr. Chairman, I yield 5 minutes to the gentleman from New York, the ranking Republican on the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Chairman, I thank my good friend, the distinguished chairman of our Foreign Affairs Committee, the gentleman from Indiana, [Mr. HAMILTON], for the consideration and cooperation he has extended to all members of our committee with regard to this measure. I also want to commend the distinguished chairman of our Subcommittee on International Operations, the gentleman from California, [Mr. BERMAN] and the committee's ranking member, the gentlelady from Maine [Ms. SNOWE].

H.R. 2333 is a 2-year authorization for the State Department, USIA and related agencies with a number of important provisions.

The bill strengthens our State Department's ability to prevent terrorists and other criminals from entering the United States by improving the process for screening visa applicants.

H.R. 2333 enables the State Department to fully computerize its system for screening visa applicants—provides for access to the FBI's information database—and pinpoints responsibility for ensuring that such screenings are actually performed.

This bill which is below the President's request by approximately $100 million authorizes $7.3 billion for fiscal year 1994 and $7.8 billion for fiscal year 1995. But I believe further savings can be achieved—and I expect to support an amendment to reduce these amounts further that will be offered by the chairman and ranking member of the Subcommittee on International Operations.

H.R. 2333 also gives the Secretary of State unprecedented flexibility to reorganize the Department to reflect new post-cold war challenges and priorities.

While I generally support their objections, I am concerned about the effect of this reorganization on a key unit in the State Department—the Office of Coordinator for Counterterrorism.

The terrorist bombing of the World Trade Center killed six persons, one of them a constituent of mine, injured thousand more, and left more than $600 million in property damage and lost business.

This incident demonstrated our Nation's vulnerability to terrorism here at home.

Since then, the FBI has arrested several members of the Abu Nidal faction who were planning to attack the Israeli Embassy in Washington, and we all are aware of the planned attempt on President Bush during his recent visit to Kuwait.

The terrorist threat to American citizens and property is real and deadly.

Yet, under the proposed State Department reorganization, the Office of Coordinator for Counterterrorism, which now reports directly to the Secretary, will be downgraded to the level of a deputy assistant secretary.

Instead of focusing on combating terrorism throughout the world, this unit will be part of a multiple function office for Narcotics, International Crime and Terrorism.

Many experts on terrorism believe that the United States has succeeded in limiting terrorist incidents on our soil because it has given the issue a top priority and not buried it within the bureaucracy.

Downgrading it by three levels will send precisely the wrong signal to both friends and foes around the world.

At the appropriate time, I will offer an amendment that maintains the Office of Coordinator for Counterterrorism as a separate unit within the State Department, reporting directly to the Secretary.

My amendment signals that our Nation will continue to treat international terrorism with due attention at the highest levels of government, and will not bury it within the State Department bureaucracy.

Accordingly with these amendments in mind, Mr. Chairman, I urge my colleagues to fully support H.R. 2333.

□ 2030

Ms. SNOWE. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. HORN].

Mr. BERMAN. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. HORN].

The CHAIRMAN pro tempore (Mr. MCDERMOTT). The gentleman from California [Mr. HORN] is recognized for 14 minutes.

Mr. HORN. Mr. Chairman, enactment of H.R. 2404, the Foreign Assistance Authorization Act for fiscal year 1994, and H.R. 2295, the Foreign Operations Appropriations Act for fiscal year 1994, is necessary to continue the great progress toward democracy around the world.

One of the cornerstones of American foreign policy must be to help the emerging democracies throughout the world. There is a compelling moral case for aiding Russia and the newly

independent states of the former Soviet Union as well as for sending aid to Eastern Europe and the Baltic States.

In terms of America's long-term economic viability and national security, nothing is as important as our relationship with Russia, the Ukraine, and the other republics of the former Soviet Union. The $2.5 billion in foreign aid recommended for Russia and her sister republics is a small price to pay to help keep Russia on the track of reform and democratization.

The legislation's recommendation for $400 million for Eastern Europe and the Baltic States is also a prudent investment in those emerging democracies which our Nation and Congress sought so long to help free.

The consequences of Russia reverting to dictatorship or disintegrating into anarchy would be a great setback for our economy, our national security, and a peaceful world. The peace dividend would evaporate and military spending would almost certainly have to increase. The shadow of nuclear threat might once again darken the world.

In this century, Americans have fought and died in four wars which were started by totalitarian and authoritarian regimes. If we have learned anything from history, it is that democracies do not go to war against each other.

Thus, the success which the people of the former Soviet Union will have with political and economic reforms will be our success as well. It is manifestly in our self-interest that the former Soviet Union, Eastern Europe, and the Baltic States will become stable and democratic. The economic benefits of democracy becoming rooted throughout the former Soviet Union and Eastern Europe are clear: These countries are having and will continue to have tremendous investment and export potential for the United States—and that means job creation for the American people.

Let us face facts. Russia lacks a democratic heritage. We are hoping for democracy to take root, but the political soil is infertile and the economic climate is harsh. When it comes to Russia, we have to guard against letting our emotions cloud our judgment. Naturally, we exult that communism has failed, and we thrill at the unexpected emergence of democratically elected leadership.

But, it is not automatic that democracy will prosper and new fledgling institutions will grow strong. Let us not forget how the promising democracy of the Weimar Republic dissolved into Nazi Germany—the greatest totalitarian menace of our century. And just as Weimar Germany collapsed into hyperinflation, and democratic institutions disintegrated, so too is Russia experiencing economic hardships that threaten her political progress.

Our Western European partners remember history and are rushing to provide the former Soviet republics with assistance. America must also back its commitment to democracy and freedom in Russia not with high-sounding words, and not with fervent emotion, but with the financial and technical assistance needed to stabilize Russia's economy. Helping Russia today is an insurance policy for America's future, and we must be prepared to pay the premium.

The moral case for continuing United States foreign aid to the State of Israel in the form of $1.8 billion in military assistance and $1.2 billion in economic assistance is clear. Israel is one of our best friends and allies. She has voted with the United States in the United Nations more often than any other member nation. Israel shares our values, and Israel has consistently been the only stable democracy in the Middle East. Israel is alone among her neighbors in providing the freedoms that we in the West take for granted.

A 1992 survey titled "Freedom Around the World" issued by Freedom House—a well-respected national organization—analyzed all aspects of political rights and civil liberties in the Middle Eastern countries. The Freedom House survey rated Israel free. Of the 20 nations comprising the Arab League, the 12 dictatorships were rated not free and the 8 remaining countries were rated partly free.

In addition to being a stable democratic ally, Israel is also a valuable strategic ally. Both President Clinton and former President Bush, in their separate meetings with the Prime Minister of Israel over the course of the last year, have explicitly reaffirmed that Israel is strategically important to our country.

Moreover, both Secretary of Defense Les Aspin and former Secretary of Defense Dick Cheney have made enhanced strategic cooperation with Israel a priority for American defense policy. President Clinton, Secretary Aspin, and this Congress recognize that Israel's strategic value to the United States increases rather than decreases in the turbulent post-cold-war world.

Israel's strategic importance has been well tested. Israel has provided invaluable human and technical intelligence to the United States based on her combat experience in previous Mideast wars where the Israeli defense forces successfully used American equipment against Soviet weapons on land and in the air.

This intelligence, as well as joint American-Israeli desert training exercises, were of critical assistance to the United States-led coalition victory in Operation Desert Storm. From the United States Navy's use of Israeli-designed drones to Israeli improvements of United States combat aircraft, Israel played a crucial role in assisting our victory in the gulf. Moreover, our forces would have faced possible nuclear attack had Israel not destroyed Iraq's nuclear facility in 1981.

United States-Israeli cooperation is essential if we are to achieve our mutual goals of combating surface-to-surface ballistic missiles and fighting terrorism.

Compared to our defense commitments to other allies, aid to Israel is a bargain. Some have estimated that we have spent more than $100 billion a year to support NATO—the North Atlantic Treaty Organization to defend Western Europe against Soviet aggression. Additionally, it is estimated that we have been spending almost $15 billion a year to defend the Pacific and another $19 billion a year to defend South Korea. In the gulf war, approximately $61 billion was spent by our allies and ourselves. Mr. Chairman, $3 billion a year to Israel to assure that there is some democracy in the Middle East is absolutely in our national interest.

With the U.S. Defense budget being reduced, America's global force projection capabilities are more limited. Consequently, our ability to respond quickly to regional crises is diminished.

It is comforting to know that we can count on Israel to help us provide a vital swing force in the event our interests are at stake in the Eastern Mediterranean, the Arabian Peninsula, North Africa, or the Suez Canal. Strategic cooperation with Israel will therefore continue to be a cornerstone of American defense policy.

Israel has been called "an island of democracy in a sea of hate." The current peace negotiations between Israel and her neighbors will hopefully stem the tide of that sea of hate and bring on full recognition of the State of Israel and full peace.

However, the Arab nations have expressed the hope that the United States will deliver Israel at the peace negotiations. Under the circumstances, I do not believe that Israel's Arab neighbors will make the compromises necessary for full peace unless they fully understand that America stands squarely behind Israel. Reaffirming military and economic aid to Israel will send the right message to the Arab countries that they must negotiate in good faith, and such aid will reassure Israel at a time when she has offered to take considerable risks for peace.

While America has compelling moral, political, and strategic interests in continuing our foreign aid to Israel, we have vital economic interests as well. The American people agree that aid to Israel is in our national interest. In January 1991, a CBS News/New York Times poll found that 83 percent of Americans believed that America should maintain or increase its aid to Israel.

Despite the overwhelming public support for continuing assistance to Israel, the issue of foreign aid remains a favorite target for some pundits in the media as well as for some demagogues in the political arena. The most frequently voiced argument against foreign aid is: How can America ship dollars overseas in light of our pressing domestic problems and huge Federal deficit?

A fair cost-benefits analysis of our foreign aid program provides the answer: At less than 1 percent of the U.S. budget, foreign aid is an investment in the American economy, a real bargain for what America gets in return, and a true jobs stimulus program for the American people. And of all the foreign aid recipients, the American taxpayer receives a greater return on his or her investment in aid to Israel than from any other country. Here are the economic facts:

Seventy-three percent of all foreign military and economic aid is spent in the United States—buying American products and providing jobs for Americans. In Israel's case, $2.5 billion—or 83 percent of the annual $3 billion in aid to Israel—never even leaves the United States and is spent in 43 States buying American products made by American workers. From 1987 to 1991, Israel spent over $680 million in California in military purchases. In 1991, Israel spent over $200 million in California.

Tens of thousands of Californians have jobs because of foreign aid and because of aid to Israel in particular. Over 750 California aerospace, defense, and high-technology firms greatly benefit from the military assistance we give allies such as Israel.

Foreign aid has also dramatically increased our exports. Between 1986 and 1990, U.S. exports to countries receiving foreign aid increased by 70 percent. In 1992, over 1.4 million jobs in California—our Nation's biggest exporter—were attributable to exports of over $68 billion.

Mr. Chairman, in light of these compelling arguments for aid to democratic states during a very uncertain period internationally, I urge my colleagues to vote "yes" on H.R. 2404, the Foreign Assistance Authorization Act, and H.R. 2295, the Foreign Operations Appropriations Act.

□ 2040

Mr. BERMAN. Mr. Chairman, I am happy to yield 3 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me, and I want to commend the gentleman from California [Mr. BERMAN] and the ranking minority member [Ms. SNOWE] for their leadership in bringing this very important legislation, the State Department authorization, to the floor.

Rising today in support of this authorization, I want to also recognize the leadership of the gentleman from Indiana [Mr. HAMILTON], the chairman of the full committee, for the foreign aid authorization bill that was brought to the floor earlier. Just for a moment, if the subcommittee Chair and ranking member would indulge me, I would just concentrate on the foreign aid authorization bill for a moment before proceeding to their bill.

Mr. Chairman, it has been said that the three biggest foreign policy challenges that our country faces are Russia, Russia, and Russia. For this reason, I wish to commend our President for his leadership early in his administration, the leadership that he took in supporting President Yeltsin and giving a boost to democracy and democratic reform in Russia, and the commitments that he made in British Columbia. Because of those, it behooves us to meet the challenges and to meet the commitment that the President made.

For that reason, I am very, very pleased to see the support that is coming to this legislation. It seems to me it is easier this year, Mr. Chairman, to gather the support for the foreign aid authorization bill, because I believe that our Members and their constituents, while foreign aid is not particularly the most popular subject in most everyone's district, we recognize it is in our own self-interest, the interest of our country, that Russia remain democratic and democratic reform proceed apace, and that it is necessary for us to help if that is going to happen, so I am pleased with that aspect of the foreign aid bill.

I am also pleased that even though times are tough, we recognize how important our commitment to the State of Israel and Egypt, honoring the commitments to Israel and Egypt, are to our country and in our country's interest, and that we are able to fund them at the levels that they are in the legislation.

My colleagues have very eloquently gone through the provisions of the foreign aid bill, and there are many reasons to be supportive of it. I particularly am not supportive of the Cuban section in the bill, but for the most part, that will be a small exception to, I think, a very, very worthwhile bill with which I have much agreement.

As far as the State Department authorization legislation, I particularly want to thank the chairman and the ranking member, Ms. SNOWE, for their generosity and the recognition that they gave to the Asia Foundation in putting in $19 million as part of this legislation. They did this, as well as very generously supporting the President's request for the National Endowment for Democracy, with a very strong increase there.

Both of these organizations do a great job in helping newly emerging democracies build democratic institutions. Other Members have said earlier that it is not enough for the Berlin Wall to come down and the cold war to end. We cannot take anything for granted. Our previous speaker, the gentleman from California [Mr. HORN], mentioned how the Weimar Republic turned into Nazi Germany, and these democracies are indeed fragile. They reach out to us for the kind of assistance that organizations like the Asia Foundation and the National Endowment for Democracy are particularly well-suited to provide.

For that reason, again, I want to extend my thanks to the chairman and the ranking member for their assistance there.

If I might just say a word about the Asia Foundation, I believe that the work of the National Endowment is recognized throughout the world. We have to place special emphasis on Asia, as a California Representative in Congress, and I again want to reiterate my thanks and appreciation to the chairman.

I see my time has expired. I urge my colleagues to support the State Department authorization bill.

Ms. SNOWE. Mr. Chairman, I yield the remainder of my time to the gentleman from Arizona [Mr. KYL].

The CHAIRMAN pro tempore (Mr. MCDERMOTT). The gentleman from Arizona [Mr. KYL] is recognized for 5 minutes.

Mr. KYL. Mr. Chairman, I thank the gentlewoman for yielding time to me. There was not sufficient time during the debate on the aid package to speak, so my comments do relate to that, and not to the State Department authorization.

First I would like to say that I concur with the remarks of the gentleman from California [Mr. HORN] with respect to our assistance to Israel, and want to commend him for the depth and understanding in those remarks.

The second point I would like to make is that I have supported efforts to assist Russia, especially in dismantling its military machine, and in particular the nuclear dismantlement issues, and in fact led a delegation to Russia on behalf of the Committee on Armed Services to try to find ways to assist them to do that.

However, this evening, I want to speak about this aid package to Russia, which I think is in excess by about $700 million, and to suggest that I proposed an amendment to reduce the $900 million in aid to Russia to $200 million in aid to the other Republics; in other words, to cut $700 million in the Russian aid package.

There are four reasons to reduce this aid to Russia. The first is that there is plenty of assistance that has been authorized and proposed and committed by both the United States and other nations to support Russia today. According to the General Accounting Of-

fice and other studies, the Western nations have committed about $138 billion to assist Russia.

Of that amount, approximately $16.5 billion is from the United States. President Clinton alone has promised in the Vancouver summit about $1.6 billion; in the Tokyo G–7 meeting, about $1.7 billion; and this request for 1994 new assistance, in the sum of about $900 million, for a total of about $4.1 billion.

□ 2050

This money has been committed, authorized, appropriated, except for the part that is before us this evening or tomorrow, but has not been spent because it is very difficult to find ways to economically spend this money.

So my proposal is that we reduce by $700 million the aid proposed in this Russian package until such time as there is a conclusion that we can spend that money in a way that would actually benefit the Russian people.

There are some additional reasons why I think it is important for us to examine the issue at this time. First is that Russia has not made important economic and foreign policy reforms. It has not received all of the funds authorized from the International Monetary Fund, for example, because it has failed to implement even the modest reforms that the IMF insists upon before releasing money.

Jean Foglizzio, the Director of the IMF mission in Moscow, recently stated that the IMF was unlikely to negotiate a new credit program for Moscow in the near future because of the policy conflicts between the Russian governments, Parliament, the Central Bank and other bodies. He said,

To negotiate an agreement with a country we need to make sure the different organs of power * * * have a common view of what the future and the development of the economy should be. Today, we don't see this convergence.

He also said, and I am quoting, "It would be a big mistake for the West to offer Russia another $24 billion package as it did last year."

The situation with the IMF is not unique. World Bank President Lewis Preston announced that Russia used only $50 to $60 million of the $600 million import rehabilitation loan that was approved last November.

Both problems indicate an unwillingness to initiate the necessary reforms for economic stability. Director Foglizzio expressed concern about the Government's failure to meet the economic targets established by the multilateral organizations by saying, and again I am quoting, "Obviously the situation today in Russia is very alarming."

Saturday's Washington Post carried an article about the IMF concern about economic reform in Russia. It was evident that Russia is still not ready for loans because, as the article stated, the IMF cannot be "provided guarantees that the money will not be wasted."

Mr. Chairman, second, Russia has not undertaken important foreign policy reform. The nuclear missiles of the former Soviet Union are still aimed at America's heartland. Russia still has 30,000 tactical and strategic nuclear weapons, and despite Russia signing the START II Agreement, the CIA predicts that Russia will deploy three new missiles in the next decade, all of which will be capable of reaching the United States. The United States, of course, has stopped producing new missiles.

Next is a very important point. Russia has indicated that it wants to revise the CFE so that they can amass more troops along Russia's southern border. The targets are Ukraine, Georgia, and Moldova. General Grachow stated in Munich just last week that this is very troublesome because Russia has become a covert and an overt defender of the Serbians and the Iraqis. And Russia has repeatedly threatened to veto Security Council actions.

Russia has renewed and strengthened its economic and military ties with Iraq, Iran, China, North Korea, Cuba, and Angola. It still maintains 700 military advisers in Libya, 2,400 advisers in Syria, and advisers in Iraq.

It has declared its intention to violate the Missile Technology Control Regime by selling rocket engine technology to India. And it has reaffirmed its plan to supply Cuba with parts to operate a dangerous Chernobyl-style reactor at Cienfuegos.

In December Russia signed an arms contract with China, India, and Iran, and it has delivered a *Kilo*-class submarine to Iran, despite strong objections by the West.

The third reason, Mr. Chairman, is Russia is not doing enough to help itself. Russia has accumulated debt throughout the world and has defaulted on loan after loan, including almost 1 billion dollars' worth of credit from the Credit Commodity Corporation in guarantees to the United States. Russian companies are not investing in their own country. Instead, capital is being stashed in overseas banks. So while the West loaned Russia $17 billion last year, according to the Journal of Commerce, Russia sent $10 billion abroad. One Journal analyst questioned "whether the West is wasting much of the money it is spending helping the economy," and another stated, "It seems useless to put additional money into that economy."

Russian spending priorities are also problematic. For example, it continues to fund space programs when people here in the United States are considering reducing or eliminating funding for our space program.

So Mr. Chairman, for these and other reasons, it would be my intention to propose that we reduce the amount of aid proposed for Russia by $700 million when we vote tomorrow.

The CHAIRMAN pro tempore [Mr. MCDERMOTT]. The time of the gentlewoman from Maine [Ms. SNOWE] has expired.

The gentleman from California [Mr. BERMAN] has 5 minutes remaining.

Mr. BERMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HOLDEN) having assumed the chair, Mr. MCDERMOTT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2333) to authorize appropriations for the Department of State, the U.S. Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes, had come to no resolution thereon.

A DIFFICULT TIME TO BE A PARENT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks, and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, as America moves toward the celebration of Father's Day, there has never been a more difficult time in this Nation to be a parent. It is very hard to find words, talking about what is the meaning of being a father or a good parent in these very trying, trying times.

And yet I really have been able to find them. Mr. Speaker, I am including in the RECORD these very moving words from Bill Coors, one of Colorado's preeminent industrialists. He talks in this article about watching the struggle in Congress over parental leave and getting angry that we did not make it mandatory. Imagine an industrialist saying that.

But he goes on to talk about his experience of being a parent, his experience of being a child, and how very key and critical this is to the future and economic building of America.

I find it amazing that Bill Coors and PAT SCHROEDER are in agreement, and this should be mandatory reading for every American as we move toward Sunday's celebration.

Mr. Speaker, the article is as follows:

TROUBLE BREWING—BILL COORS PASSIONATELY RECALLS HIS CHILDHOOD, SOUNDING LIKE A LIBERAL IN THE PROCESS

(By Ward Harkavy)

One day about thirty years ago, Bill Coors decided to kill some time by strolling through the science exhibit at a Seattle fair. There the future chairman of the Adolph

Coors Company happened upon two cages side by side. In one, a baby spider monkey cuddled with its mother, in the other, an identical baby monkey's only companion was a stuffed animal.

"That little guy was huddled up against this inert form—you can't imagine the misery," Bill Coors, now 76, recalled in a speech late last month. "I couldn't get that out of my mind."

Those who follow the Coors family's conservative politics may recall that in 1977, Bill Coors derisively referred to striking workers as "monkeys." But during his May 24 speech at Cohumbine United Church in Littleton, he wasn't talking about strikers. That miserable little monkey, Coors said, reminded him of himself.

Bill Coors has been known to be slightly more liberal than brother Joe—he supported the Equal Rights Amendment and, according to local gossip columnists, once amiably shared a banquet table with Jane Fonda. But during this hour-long talk—part of the church's monthly "A Piece of My Mind" speaker series (previous guests include ex-governor Dick Lamm, socialite/philanthropist Swanee Hunt and Denver Police Chief Dave Michaud)—Bill sounded more like a Kennedy than a Coors. The fundamentalist preachers and right-wing politicians who've been bankrolled by the Coors family would have blanched, especially at his revisionist version of the Ten Commandments.

Bill Coors passionately defended liberal ideas such as parental leave and told his audience of one hundred that, as parents, they were a major cause of society's problems. His message to youth? Do your own thing. His message to parents? Be permissive. In the process of issuing these pronouncements, he also gave a rare, unguarded glimpse of a pampered yet harsh childhood and a father who, like the family beer, always stayed cold.

Years ago, when Bill Coors was invited to join the American Academy of Achievement, he and other "so-called achievers" such as Liz Taylor, Alan Shepard and Tom Landry addressed 350 young students. "Each of us had to talk about something," Coors recalled, "and all of a sudden, I had a vision of this sad little monkey in Seattle. Why? My own childhood, my adolescence."

He warned the students to stand up for themselves: "I told them the only person you can't harm or deceive is that person who looks back at you from the mirror. The most important thing is self-respect. Be—and do—your own thing. Be responsible to yourself. Be what you want to be, not what someone else wants you to be.

"I had a brainstorm about Moses up on the mountain getting the Ten Commandments. I maintained that he had to have dropped and broken the eleventh commandment when he came down. If he had brought down the eleventh, he wouldn't have needed to bring the others. They all would have fallen into place. It was Love thyself, respect thyself."

The future achievers of America gave Coors a standing ovation, and many apparently took his advice. "I got nasty letters from parents," he said.

Nastiness ran in his own family, judging from Coors's self-confessional, "I look at my own experience," he told the church group. "We bring our children up exactly as we were brought up, and I've got three very badly screwed-up daughters—one committed suicide, for which I take a large part of the blame."

At age fifty, when he fathered a son, he got another chance. "I made a pledge to myself," he said. "My parents—I don't think those two wonderful people were capable of telling me or anyone else they loved them. I made it a religion to tell that guy I loved him. I would tell him and kiss him, in the morning and at night. And I still do. He's now 26 and has never had any discipline—he's never needed any."

That certainly wasn't the way Bill Coors was raised. "I was at odds constantly with my family," he said. "My family was strict Germanic, and I'm telling you, they did not spare the rod. I was sad and lonely."

He dreamed of becoming a surgeon. "But my mom wanted me to be a pianist and my dad wanted me to be a chemical engineer," he said. "Naturally, Dad won and I came in third."

"After college, the last thing I wanted was to go back to Golden," he continued. "I wanted a chance to prove myself—to myself." But fearing his father's wrath, he returned to Colorado and entered the family business.

Still, he never did achieve a loving relationship with his parents. "I didn't have it, and I miss it today," he said. "It leaves scars, terrible scars." Multiply that experience by millions of others, he added, and you've got society's current "malaise."

"I look at the struggle in the Congress now over parental leave. By God, it ought to be mandatory. Our jails are filled to overflowing, our mental hospitals are filled to overflowing. They're full of people who don't like themselves."

In his own case, a teacher proved instrumental in building confidence. "At thirteen, my dad shipped me off to boarding school," he recalled, "and I was miserable and in complete rebellion, and I was doing just enough to keep from getting kicked out. I was in an advanced Latin class, and the teacher, Normal Hatch, was a holy terror—we called him 'Booby.' He had a record of having the best college entrance exams in the country. And I was his whipping boy. One day he called me his 'crow among swans.' Me. I was his crow. I remember bursting into tears. After class I was walking along, feeling sorry for myself and I heard footsteps behind me. Suddenly, there was an arm around my shoulder. It was Mr. Hatch. He asked me questions—about me. I was overwhelmed. He liked me. It was one of the great milestones in my life. I was still his crow among swans, because he had to have a crow. But I was proud to be his crow."

The lesson? "It doesn't take that much to touch a person's life."

This audience also gave him a standing ovation. Then, at the request of a church pastor, Bill Coors agreed to play something "upbeat" at the piano. It was "When You're Smiling".

TRIBUTE TO COL. WILLIAM R. HART, USMC (RET.)

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, it is with great sadness and a profound sense of respect that I rise today to pay tribute to Col. William R. Hart, U.S. Marine Corps, Ret. who passed away suddenly on May 30, 1993.

Colonel Hart was, in every sense of the word, the epitome of the military officer. Like so many outstanding officers who have proudly worn the uniform of their Nation, Colonel Hart was devoted to God, to his country, and to his family. He was a true product of smalltown America, having been born in Pandora, OH, in 1939. He earned his bachelors degree at Bowling Green University in Ohio and a master's degree from Pepperdine University in California. He went on to serve 27 years in his beloved Marine Corps with assignments which ranged from service as a White House aide to Presidents Kennedy and Johnson to two tours in Vietnam as an artillery officer. His decorations include the Legion of Merit, the Bronze Star with Combat "V" device, the Joint Services Meritorious Service Medal, and the Navy Commendation Medal with Combat "V" device.

It was not until later in his career, however, when he was deputy legislative assistant to the Commandant of the Marine Corps, that I first encountered Bill Hart. What immediately struck me about him was his demeanor and his straight-forwardness. Seldom have I ever met anyone who could so politely but persuasively make a point on an issue of importance to his service. When Bill Hart spoke, your tendency was to want to listen.

Following his retirement from the Marine Corps, Bill Hart continued his work on behalf of his fellow active duty and retired military members. First as the assistant vice president for membership at the Navy Mutual Aid Society and then as deputy for governmental relations at the Retired Officers Association, he was in the forefront of the fight to preserve veterans and retiree benefits. It was in this capacity that he often testified eloquently before the Veterans' Affairs Committee. In fact, I so respected his views that, just recently, I invited him to join with me and other committee members on a factfinding visit to military installations in the southeast United States to observe GI bill orientation briefings for new recruits in the military and to observe the transition assistance program for separating service members.

But Bill Hart was not just good on the Hill. He was, first and foremost, an outstanding spokesman for the Retired Officers Association in a multitude of venues. Just last year, he was selected by them to accompany a congressional delegation at ceremonies commemorating the D-Day invasion at Normandy. His presentation to the French hosts on behalf of his association's members who had fought and died in World War II and at Normandy was exceptional.

He leaves behind his lovely and devoted wife, Anna, and two beautiful daughters, Christine and Carla, plus his extended family—the Marine Corps. His pride and love for his family and the Marine Corps defined who he was.

Mr. Speaker, the United States, the U.S. Marine Corps, my fellow servicemembers, and all those active duty and retired personnel that Col. Bill Hart represented are better today for his efforts. We who knew him personally are saddened by his passing and share his loss with his family. To them we simply say be proud and content in the knowledge that he will not be forgotten.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2333, INTERNATIONAL RELATIONS ACT OF 1993 AND H.R. 2404, FOREIGN ASSISTANCE AUTHORIZATION ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–132) on the resolution (H. Res. 197 providing for further consideration of the bill (H.R. 2333) to authorize appropriations for the Department of State, the U.S. Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes, and for further consideration of the bill (H.R. 2404) to authorize appropriations for foreign assistance programs and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HILLIARD (at the request of Mr. GEPHARDT) on Tuesday, June 15, from 11 a.m. to 2 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SNOWE) to revise and extend their remarks and include extraneous material.)

Mr. BEREUTER, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, today.

Mr. BARTLETT of Maryland, for 5 minutes, today.

Mr. PORTMAN, for 5 minutes, today.

Mr. GINGRICH, for 5 minutes each day, on June 15, 16, 17, and 18.

(The following Members (at the request of Ms. PELOSI) to revise and extend their remarks and include extraneous material:)

Mr. EDWARDS of California, for 30 minutes on June 17.

Mr. BECERRA, for 60 minutes on June 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. SNOWE) and to include extraneous material.)

Mr. ROGERS.

Mr. WALKER in two instances.

Mr. FAWELL.

Mr. BATEMAN.

Mrs. ROUKEMA.

Mrs. MEYERS of Kansas.

Mr. RAMSTAD.

Mr. CRANE.

Mr. TALENT.

Mr. KING.

Mr. BUNNING.

Mr. POMBO.

Mr. HANSEN.

Mr. GILMAN in three instances.

Mr. TAYLOR of North Carolina.

Mr. EVERETT.

Mr. GILLMOR in two instances.

Mr. BAKER.

Mr. DORNAN.

Mr. FRANKS of Connecticut.

Mr. THOMAS of California.

Mr. KLUG.

(The following Members (at the request of Ms. PELOSI) and to include extraneous matter.)

Mr. BLACKWELL.

Mr. NEAL of Massachusetts.

Mr. LANTOS.

Ms. SHEPHERD.

Mr. PAYNE of New Jersey in two instances.

Mr. CLEMENT.

Mr. SWETT.

Mr. PASTOR.

Ms. DELAURO.

Mr. HAMILTON.

Ms. HARMAN.

Ms. WOOLSEY.

Mr. SANDERS.

Mr. SARPALIUS.

Mr. FINGERHUT.

Mr. LAFALCE.

Mr. ROSTENKOWSKI.

Mr. MORAN.

Mr. RAHALL.

Mr. DELLUMS in two instances.

Mr. WYDEN.

Ms. NORTON.

Mr. TOWNS.

Mr. KLINK.

Mr. MENENDEZ.

Mr. ACKERMAN in two instances.

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock p.m.), the House adjourned until tomorrow, Wednesday, June 16, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1427. A communication from the President of the United States, transmitting amendments to the fiscal year 1994 requests for appropriations for International Development Assistance, the Legal Services Corporation, and the Department of Justice, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103–101); to the Committee on Appropriations and ordered to be printed.

1428. A letter from the Secretary, Department of Energy, transmitting a report on research and technology development activities supporting defense waste management and environmental restoration, pursuant to Public Law 101–189, section 3141(c)(1), (2) (103 Stat. 1680); to the Committee on Armed Services.

1429. A letter from the Acting General Counsel, Department of Energy, transmitting a draft of proposed legislation entitled, "Department of Energy National Security Programs Authorization Act for Fiscal Year 1994"; to the Committee on Armed Services.

1430. A letter from the Acting Assistant Secretary for Environment, Safety and Health, Department of Energy, transmitting a supplement to the draft environmental impact statement on the expansion of the Strategic Petroleum Reserve (Louisiana and Mississippi); to the Committee on Energy and Commerce.

1431. A letter from the General Counsel and Director of Congressional Affairs, Acting, U.S. Arms Control and Disarmament Agency, transmitting copies of the English and Russian texts of five implementing agreements negotiated by the Joint Compliance and Inspection Commission [JCIC]; to the Committee on Foreign Affairs.

1432. A letter from the Chief Judge, U.S. Tax Court, transmitting the actuarial report of the U.S. Tax Court Judges' Retirement and Survivor Annuity Plans for the year ending December 31, 1990, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1433. A letter from the Attorney General of the United States, Department of Justice, transmitting the Department's report on settlements for calendar year 1992 for damages caused by the FBI, pursuant to 31 U.S.C. 3724(b); to the Committee on the Judiciary.

1434. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a draft of proposed legislation entitled, "Foreign Relations Authorization Act, Fiscal Years 1994 and 1995," pursuant to 31 U.S.C. 1110; jointly, to the Committees on Foreign Affairs, the Judiciary, Ways and Means, Post Office and Civil Service, Public Works and Transportation, Merchant Marine and Fisheries, and Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 1340. A bill to provide funding for the resolution of failed savings associations, and for other purposes; with amendments (Rept. 103–103, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2203. A bill to amend the Public Health Service Act to extend the program of grants regarding the prevention and control of sexually transmitted diseases (Rept. 103–131). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio: Committee on Rules. House Resolution 197. Resolution providing for further consideration of the bill (H.R. 2333) to authorize appropriations for the Department of State, the U.S. Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes, and for further consideration of the bill (H.R. 2404) to authorize appropriations for foreign assistance programs, and for other purposes (Rept.

103–132). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLEMENT:

H.R. 2413. A bill to amend title 38, United States Code, to provide additional authority for the Secretary of Veterans Affairs to provide health care for veterans of the Persian Gulf War; to the Committee on Veterans' Affairs.

By Mr. EVANS (for himself, Mr. KENNEDY, and Mr. GUTIERREZ):

H.R. 2414. A bill to amend title 38, United States Code, to provide priority health care to veterans of the Persian Gulf War who were exposed to environmental hazards; to the Committee on Veterans' Affairs.

By Mr. MICHEL (for himself and Mr. SMITH of Texas):

H.R. 2415. A bill to amend title 31 of the United States Code to establish government efficiency reserve accounts and to provide for the apportionment of salaries and expenses; jointly, to the Committees on Government Operations and Rules.

By Mr. HINCHEY:

H.R. 2416. A bill to provide for the preservation, interpretation, development, and beneficial use of natural, cultural, historic, and scenic resources that are a source of values important to the people of the United States through a national partnership system of heritage areas; to the Committee on Natural Resources.

By Mr. HYDE:

H.R. 2417. A bill to reform certain statutes regarding civil asset forfeiture; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. JACOBS:

H.R. 2418. A bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly traded stock to certain private foundations, and for other purposes; to the Committee on Ways and Means.

By Mr. LAFALCE:

H.R. 2419. A bill to extend the sales period for the Christopher Columbus Quincentenary coin; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. MEEK:

H.R. 2420. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus; to the Committee on Energy and Commerce.

By Mrs. MEYERS of Kansas (for herself, Mr. COMBEST, Mr. SKELTON, Mr. BAKER of Louisiana, Mr. SISISKY, Mr. MACHTLEY, Mr. RAMSTAD, Mr. TORKILDSEN, Mrs. JOHNSON of Connecticut, Mr. ZELIFF, Mr. EWING, Mr. KNOLLENBERG, Mr. BEREUTER, Mr. KIM, Mr. PORTMAN, Mr. SANTORUM, Mr. COLLINS of Georgia, and Mr. DICKEY):

H.R. 2421. A bill to amend the White House Conference on Small Business Authorization Act to provide additional time for conducting State conferences and a national conference under that act; to the Committee on Small Business.

By Mr. REED:

H.R. 2422: A bill to extend until January 1, 1995, the previously existing suspension of duty on certain chemicals; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 2423: A bill to amend section 3 of the United States Housing Act of 1937 to more accurately determine the median income for Rockland County, NY, for purposes of housing programs administered by the Secretary of Housing and Urban Development; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GILMAN (for himself, Mr. BONIOR, Mr. HOKE, and Mr. HINCHEY):

H.R. 2424. A bill to recognize the organization known as the Ukrainian American Veterans, Inc.; to the Committee on the Judiciary.

By Mr. FRANKS of Connecticut:

H.R. 2425. A bill to amend title 18, United States Code, to double the enhanced penalties for carrying a firearm during and in relation to a crime of violence or drug trafficking crime; to the Committee on the Judiciary.

By Ms. SHEPHERD (for herself and Mr. ORTON):

H.R. 2426. A bill to amend the Housing and Community Development Act of 1974 to authorize the Secretary of Housing and Urban Development to make partial grants under the community development block grant program to any city previously classified as a metropolitan city under such act that loses such classification because of a reduction in population, if such city provides evidence of a population increase, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WYDEN (for himself, Mrs. UNSOELD, and Mr. FRANK of Massachusetts):

H.R. 2427. A bill to amend title XIX of the Social Security Act to provide for optional coverage under State Medicaid plans of case-management services for individuals who sustain traumatic brain injuries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. WOLF, Mr. HEFNER, Mr. DELLUMS, Mr. FILNER, Mrs. UNSOELD, Mr. MCDERMOTT, Mr. MARTINEZ, Mr. BEILENSON, Mr. YOUNG of Alaska, Mr. RAMSTAD, Mr. WALSH, Mr. GREENWOOD, Mr. TOWNS, Mr. BATEMAN, Mr. DEUTSCH, Mr. SISISKY, Mr. BARRETT of Wisconsin, Mr. RANGEL, Mr. HOLDEN, Mr. BILBRAY, Mr. COPPERSMITH, Mr. HUGHES, Mr. SLATTERY, Mr. EVANS, Mr. PARKER, Mr. BROWDER, Ms. VELÁZQUEZ, Mr. CLYBURN, Mr. FROST, Mrs. VUCANOVICH, Mr. BALLENGER, Mr. FAWELL, Mr. SCHAEFER, Mr. JOHNSON of South Dakota, Mr. DOOLITTLE, Mr. ORTIZ, Mr. MINETA, Mr. PICKETT, Mr. SCOTT, Ms. NORTON, Mr. SERRANO, Ms. MALONEY, Mr. KOPETSKI, Mr. FISH, Mr. CRAMER, Mr. GENE GREEN of Texas, Mr. HILLIARD, Mr. REGULA, Mr. RIDGE, and Ms. THURMAN):

H.J. Res. 214. Joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

184. By the Speaker: Memorial of the Senate of the State of Florida, relative to urging the Congress to propose an amendment to the Fair Labor Standards Act of 1993; to the Committee on Education and Labor.

185. Also, memorial of the House of Representatives of the Commonwealth of Kentucky, relative to proposed Federal legislation concerning Federal mandates; to the Committee on Government Operations.

186. Also, memorial of the House of Representatives of the State of Maine, relative to Congress of the United States to revoke its payraise, rollback its salaries to the 1989 level and repeal the automatic cost-of-living allowance; to the Committee on House Administration.

187. Also, memorial of the Senate of the State of Hawaii, relative to the Hawaiian home lands; to the Committee on Natural Resources.

188. Also, memorial of the General Assembly of the State of Nevada, relative to urging Congress to pass legislation prohibiting each State from imposing an income tax on the income from a pension of any person who is not a resident of that State; to the Committee on the Judiciary.

189. Also, memorial of the Senate of the State of Louisiana, relative to prayer in public schools; to the Committee on the Judiciary.

190. Also, memorial of the Senate of the State of Louisiana, relative to authorizing daily or other regularly scheduled times for students in public schools to enjoy a moment of silence or other meditation time; to the Committee on the Judiciary.

191. Also, memorial of the House of Representatives of the State of Louisiana, relative to the Freedom of Choice Act; to the Committee on the Judiciary.

192. Also, memorial of the Senate of the State of Louisiana, relative to the intracoastal waterway in Bayou Pigeon; to the Committee on Merchant Marine and Fisheries.

193. Also, memorial of the Senate of the State of Tennessee, relative to the States' constitutional authority to regulate traffic and motor vehicle safety within their respective boundaries; to the Committee on Public Works and Transportation.

194. Also, memorial of the Senate of the State of Louisiana, relative to water and related land resources studies from Morganza, LA, to the Gulf of Mexico; to the Committee on Public Works and Transportation.

195. Also, memorial of the Senate of the State of Louisiana, relative to the traffic problem at Interstate 10 traveling from the western region of the State eastwardly across the Mississippi River Bridge; to the Committee on Public Works and Transportation.

196. Also, memorial of the House of Representatives of the State of Maine, relative to establishing appropriate burial spaces for Maine's veterans; to the Committee on Veterans' Affairs.

197. Also, memorial of the House of Representatives of the State of Oklahoma, relative to opposition to a national sales tax or value-added tax; to the Committee on Ways and Means.

198. Also, memorial of the House of Representatives of the State of Maine, relative to the retention of small-issue industrial development bonds; to the Committee on Ways and Means.

199. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to opposition placing limits on COLA's; to the Committee on Ways and Means.

200. Also, memorial of the Senate of the State of Louisiana, relative to Social Secu-

rity benefits; to the Committee on Ways and Means.

201. Also, memorial of the House of Representatives of the State of Michigan, relative to the North American Free Trade Agreement; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. TORKILDSEN introduced a bill (H.R. 2428) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Sable*; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 34: Mr. ENGEL.

H.R. 35: Mr. ENGEL, Mr. STARK, Mr. TORRICELLI, and Mr. BLACKWELL.

H.R. 115: Mr. BECERRA.

H.R. 123: Mr. BARLOW, Mr. BURTON of Indiana, Mr. LEWIS of Georgia, Mr. PAYNE of Virginia, Mr. HERGER, and Mr. ROBERTS.

H.R. 124: Mr. BARLOW.

H.R. 178: Mr. LIVINGSTON.

H.R. 299: Mrs. MEYERS of Kansas and Mr. HINCHEY.

H.R. 429: Mr. POMBO.

H.R. 462: Mr. THOMPSON, Mr. BROWN of California, and Ms. BROWN of Florida.

H.R. 509: Mr. SMITH of Oregon.

H.R. 511: Mr. BAKER of Louisiana.

H.R. 522: Ms. BROWN of Florida.

H.R. 667: Mr. GEKAS.

H.R. 749: Mr. GENE GREEN of Texas.

H.R. 789: Mr. ROHRABACHER, Mr. DURBIN, Mr. SOLOMON, Mr. MICHEL, Mr. STUMP, Mr. CRANE, Mr. SANTORUM, Mr. REED, Mr. ROGERS, Mr. LINDER, Ms. PRYCE of Ohio, Mr. SMITH of Texas, Mr. HOBSON, Mr. DREIER, Mr. EMERSON, Ms. SNOWE, Mr. PICKLE, Mr. BACHUS of Alabama, Mr. CALLAHAN, Mr. BAKER of California, Mr. BARTLETT of Maryland, Ms. MOLINARI, Mr. PAXON, Mr. KOLBE, Mr. DOOLITTLE, Mr. GONZALEZ, Mr. BARLOW, Mr. HOUGHTON, Mr. LAFALCE, Mr. ABERCROMBIE, and Mr. PRICE of North Carolina.

H.R. 959: Mr. JOHNSTON of Florida.

H.R. 967: Mr. MCCOLLUM, Ms. SNOWE, Mr. BEVILL, and Mr. FIELDS of Texas.

H.R. 981: Ms. SLAUGHTER and Mr. WOLF.

H.R. 1026: Mrs. MEYERS of Kansas.

H.R. 1055: Mr. ENGEL.

H.R. 1078: Mrs. LLOYD.

H.R. 1079: Mrs. LLOYD.

H.R. 1080: Mrs. LLOYD.

H.R. 1081: Mrs. LLOYD.

H.R. 1082: Mrs. LLOYD and Mr. KING.

H.R. 1083: Mrs. LLOYD.

H.R. 1087: Mr. FALEOMAVAEGA.

H.R. 1129: Mr. SHAYS.

H.R. 1141: Mr. ARMEY.

H.R. 1164: Mrs. MORELLA.

H.R. 1172: Mr. STUDDS.

H.R. 1200: Mr. MURPHY and Mr. FALEOMAVAEGA.

H.R. 1277: Mr. RAVENEL, Ms. THURMAN, and Mr. HOAGLAND.

H.R. 1295: Mr. BOEHLERT, Mr. SANTORUM, Ms. THURMAN, Mr. KINGSTON, Mr. COSTELLO, Mr. GRAMS, Mr. HUGHES, Mr. FRANKS of Connecticut, and Mr. EWING.

H.R. 1311: Mr. MCCRERY.

H.R. 1323: Mr. MONTGOMERY and Mr. DE LA GARZA.

H.R. 1360: Miss COLLINS of Michigan.

H.R. 1366: Mr. DICKEY and Mr. ANDREWS of New Jersey.

H.R. 1402: Mr. ROMERO-BARCELÓ.

H.R. 1406: Ms. SLAUGHTER, Mr. SMITH of New Jersey, and Mr. PETE GEREN of Texas.

H.R. 1423: Mr. SKELTON, Mr. TALENT, Mr. HOCHBRUECKNER, Mr. DICKEY, Mrs. BENTLEY, Mr. SCHAEFER, Mr. ROEMER, Mr. BUNNING, Mr. TORRICELLI, Mr. COPPERSMITH, Mr. MICHEL, Mr. HOUGHTON, Mr. GILLMOR, Mr. MCINNIS, Mr. KINGSTON, Mr. REGULA, Mr. BISHOP, Mr. DOOLITTLE, Mr. WILLIAMS, Mr. RIDGE, Mr. WHITTEN, Ms. HARMAN, and Mr. SLATTERY.

H.R. 1434: Miss COLLINS of Michigan and Mr. MCDERMOTT.

H.R. 1480: Mr. BALLENGER, Mr. BATEMAN, Mr. EWING, Mr. FRANK of Massachusetts, Mr. HAYES, Mr. HOBSON, Mr. HOCHBRUECKNER, Mr. KOPETSKI, Mrs. MEYERS of Kansas, Mr. PENNY, and Mr. VISCLOSKY.

H.R. 1489: Mr. FRANK of Massachusetts, Mr. SAWYER, and Ms. PELOSI.

H.R. 1517: Ms. NORTON, Mr. KILDEE, and Mr. ANDREWS of New Jersey.

H.R. 1538: Mr. REYNOLDS, Mr. CONYERS, Miss COLLINS of Michigan, Mr. GIBBONS, Mr. BROWN of California, Mr. EDWARDS of California, and Mr. MENENDEZ.

H.R. 1555: Mr. COBLE.

H.R. 1583: Mr. DOOLITTLE and Mr. ORTON.

H.R. 1608: Ms. BROWN of Florida, Mr. CRAMER, Ms. DELAURO, Mr. DREIER, Mr. HALL of Ohio, Mr. HOLDEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAZIO, Mr. NEAL of North Carolina, Mr. PASTOR, Mr. PENNY, Mr. QUINN, Mr. REED, Mr. UPTON, Mrs. VUCANOVICH, and Mr. WHEAT.

H.R. 1609: Mr. ENGEL and Mr. TORRES.

H.R. 1627: Mr. TAYLOR of North Carolina, Mr. TRAFICANT, Mr. SCHAEFER, Mr. GALLEGLY, Mr. HUTCHINSON, and Mr. ANDREWS of New Jersey.

H.R. 1670: Mr. WELDON.

H.R. 1697: Mr. MENENDEZ, Mr. HINCHEY, Mr. GREENWOOD, Mr. BROWDER, Mr. MCDADE, Mr. LEVIN, Mr. GEJDENSON, Mrs. KENNELLY, and Mr. KINGSTON.

H.R. 1719: Mrs. MORELLA, Mr. PORTER, Mr. PARKER, Mrs. JOHNSON of Connecticut, and Mr. JOHNSTON of Florida.

H.R. 1761: Mr. UPTON.

H.R. 1763: Mr. UPTON.

H.R. 1824: Mr. FROST and Mr. RANGEL.

H.R. 1874: Mr. EVANS.

H.R. 1924: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. JEFFERSON, Mr. THOMPSON, Mr. FILNER, Ms. MCKINNEY, Mr. GENE GREEN of Texas, Mrs. CLAYTON, and Ms. NORTON.

H.R. 1944: Mr. RANGEL, Mr. EDWARDS of California, and Mr. DORNAN.

H.R. 1974: Mr. LIGHTFOOT and Mr. LEVY.

H.R. 2021: Mr. BEVILL and Mr. RICHARDSON.

H.R. 2059: Mr. LEWIS of Florida.

H.R. 2124: Mr. MCKEON.

H.R. 2142: Mr. RANGEL and Mr. FALEOMAVAEGA.

H.R. 2153: Mr. WALSH, Mr. JACOBS, Mr. TORRES, Mr. FILNER, Mr. BLACKWELL, Mr. TOWNS, Mr. FROST, Ms. ROYBAL-ALLARD, and Mr. BECERRA.

H.R. 2175: Mr. SWETT.

H.R. 2219: Mr. ENGEL, Mr. SLATTERY, and Mr. ORTON.

H.R. 2308: Mr. HALL of Ohio.

H.R. 2311: Mr. TORKILDSEN.

H.R. 2315: Mr. WOLF, Mr. MCCLOSKEY, Mr. SCHIFF, and Mr. LIPINSKI.

H.R. 2326: Mr. MONTGOMERY, Mr. JACOBS, Mr. LAROCCO, Ms. SHEPHERD, Mr. VOLKMER, Mr. COBLE, Mr. WILLIAMS, and Mr. DEUTSCH.

H.R. 2340: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2366: Mr. FIELDS of Louisiana.

H.R. 2394: Mr. HOYER, Ms. DELAURO, and Ms. WOOLSEY.

H.R. 2395: Mr. HOYER, Ms. DELAURO, and Ms. WOOLSEY.

H.J. Res. 27: Mr. QUILLEN and Mr. HEFNER.

H.J. Res. 79: Mr. MARTINEZ, Mr. SHAYS, and Mr. YOUNG of Alaska.

H.J. Res. 106: Mr. GENE GREEN of Texas, Mr. MCCRERY, Mr. MARTINEZ, and Ms. SNOWE.

H.J. Res. 119: Mr. JEFFERSON, Mr. HOYER, Mr. MOAKLEY, Mr. DURBIN, Mr. JOHNSON of South Dakota, Mr. BLACKWELL, Mr. LAFALCE, Mr. DIXON, Mr. MCCRERY, Mr. MURTHA, Ms. NORTON, Mr. MANN, Mr. REYNOLDS, Mr. PETERSON of Florida, Mr. EWING, Mr. DEUTSCH, Mr. KLECZKA, Mr. MURPHY, Mr. OWENS, Mr. RAVENEL, Mr. SPENCE, Mr. TEJEDA, Ms. MOLINARI, Mr. MENENDEZ, Mr. VOLKMER, Mr. TAUZIN, Mr. SISISKY, Mr. MCCLOSKEY, Mr. GENE GREEN of Texas, and Ms. THURMAN.

H.J. Res. 133: Mrs. LLOYD.

H.J. Res. 166: Ms. ROYBAL-ALLARD, Mr. SWETT, Mr. BRYANT, and Mr. TORRICELLI.

H.J. Res. 173: Mr. LIPINSKI, Mr. MCCANDLESS, and Mr. BREWSTER.

H.J. Res. 193: Mr. MARTINEZ, Mr. MOORHEAD, and Mr. MCCRERY.

H.J. Res. 199: Mr. GILLMOR, Mr. BILIRAKIS, Mr. HASTERT, Mr. HEFNER, Mr. EDWARDS of California, Mr. WILSON, Mr. GORDON, Mr. HOCHBRUECKNER, Mr. LEACH, Mrs. JOHNSON of Connecticut, Mr. FALEOMAVAEGA, Mr. LEHMAN, Mr. MCCLOSKEY, Ms. BYRNE, Mr. PAYNE of Virginia, Mr. HINCHEY, Mr. QUILLEN, Mr. MCNULTY, Mrs. UNSOELD, Mr. RAVENEL, Mr. RAMSTAD, Mr. ROTH, Mrs. MINK, Mr. SLATTERY, Mr. EWING, and Mr. KOPETSKI.

H. Con. Res. 3: Mr. COBLE, Mr. RIDGE, Mr. HERGER, and Mr. BACHUS of Alabama.

H. Con. Res. 7: Mr. ROHRABACHER, Ms. PRYCE of Ohio, Mr. HINCHEY, Mr. PACKARD, and Mr. CALVERT.

H. Con. Res. 13: Mr. BARTLETT of Maryland, Mr. KINGSTON, Mr. BARLOW, and Mr. MCKEON.

H. Con. Res. 20: Miss COLLINS of Michigan.

H. Con. Res. 46: Mr. DE LA GARZA and Mr. PASTOR.

H. Con. Res. 80: Mr. POMEROY, Miss COLLINS of Michigan, and Mr. STRICKLAND.

H. Con. Res. 91: Mr. HOCHBRUECKNER.

H. Con. Res. 103: Ms. VELÁZQUEZ, Mr. FROST, Mr. FILNER, Mr. MARTINEZ, Mr. UNDERWOOD, and Mr. EDWARDS of California.

H. Con. Res. 110: Mr. FALEOMAVAEGA, Mr. SANGMEISTER, Mr. MANTON, Mr. CLYBURN, and Mr. TORKILDSEN.

H. Res. 139: Mr. BILIRAKIS.

H. Res. 174: Mr. DORNAN, Mr. KLUG, Mr. SANGMEISTER, and Mr. KYL.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 999: Mr. CALVERT.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

42. By the SPEAKER: Petition of the city of Clinton, N.C., relative to imposing addi-

tional national taxes on the tobacco industry; to the Committee on Ways and Means.

43. Also, petition of Thomas M. Maxwell, citizen of the California Republic, relative to refunding all FICA taxes that were withheld under his name; to the Committee on Ways and Means.

69-059 O—97 Vol. 139 (Pt. 9) 29